

LAW OFFICES

SEVILA, SAUNDERS, HUDDLESTON & WHITE

A PROFESSIONAL CORPORATION

POST OFFICE BOX 678

LEESBURG, VIRGINIA 20178-0678

ROBERT E. SEVILA
RICHARD R. SAUNDERS, JR.
JON D. HUDDLESTON
CRAIG E. WHITE
LAWRENCE M. SCHONBERGER
WILLIAM R. FITZPATRICK
BENJAMIN B. FITZGERALD
RACHEL K. DOWNS

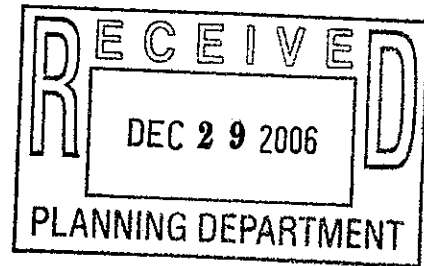
30 NORTH KING STREET
LEESBURG, VIRGINIA 20176

(703) 777-5700
METRO (703) 471-9800
FAX (703) 771-4161

December 28, 2006

Ms. Nicole Steele, Project Manager
Department of Planning
County of Loudoun
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20177

Re: Holtzman Oil – Pleasant Valley
SPEX 2005-0040



Dear Ms. Steele:

The following are our responses to the referral agency comments. The comments are on the pages indicated below:

<u>Referral Agency</u>	<u>Page</u>
1. Loudoun County Sanitation Authority Letter dated November 18, 2005.	2
2. Department of Building and Development Memorandum dated November 23, 2005.	3
3. Arcola-Pleasant Valley Volunteer Fire Department Letter of December 4, 2005.	6
4. Virginia Department of Transportation Letter of December 6, 2005.	7
5. Loudoun County Health Department Letter of December 6, 2005.	9
6. Loudoun County Department of Fire-Rescue Memorandum dated December 8, 2005.	10
7. Office of Transportation Services Memorandum dated December 14, 2005.	11
8. Building and Development Memorandum dated January 25, 2006.	13
9. Department of Planning Memorandum dated January 27, 2006.	17

ATTACHMENT 4

A141

Nicole Steele, Project Manager
December 28, 2006
Page 2

Loudoun County Sanitation Authority
letter dated November 18, 2005

COMMENT: The Sanitation Authority has reviewed the referenced Special Exception application and offers no objection the proposed use. Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority.

Public water and sanitary sewer service would be contingent upon the developer's compliance with the Authority's Statement of Policy; Rates, Rules and Regulations; and Design Standards. Should you have any questions, please do not hesitate to contact me.

RESPONSE: Should off site easements be necessary, Applicant will be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority. The Applicant will comply with the Authority's Statement of Policy; Rules and Regulations; and Design Standards.

A142

Department of Building and Development
Memorandum dated November 23, 2005

COMMENT 1: Part of the site is located within the Floodplain Overlay District (FOD) in a Minor Floodplain. The proposed uses are not allowed in a FOD. A Floodplain Alteration needs to be filed with and approved by the County before these uses can be located where they are currently sited in the proposal.

RESPONSE: Applicant will submit a floodplain study to verify that the location of the buildings are outside of the floodplain.

COMMENT 2: The Blimpie and Godfathers Pizza must be demonstrated to be accessory uses to the convenience store. "Restaurant, Carry Out Only" is not a permitted use in the CLI district by right or by special exception, therefore the Blimpie and Godfathers Pizza are not permitted principal uses on the property.

RESPONSE: The Blimpie and Godfather's Pizza are accessory to the principal uses of automobile service station and convenience store. This use will provide as a convenience to the customers of the automobile service station and the convenience store, freshly prepared sandwiches and pizzas on a carry out basis. Each will occupy less than 5,000 square feet and is clearly subordinate and accessory to the principal use and are intended to serve the customers of the principal use.

COMMENT 3: The automotive service station is too large to be an accessory use to the convenience store and the convenience store is too large to be an accessory use to the automotive service station. Each of these uses must be a separate principal use that must be able to function independently. Therefore, please show that the automotive service station is fully capable of operation independent from the convenience store.

RESPONSE: The automotive service station has been delineated so that it is no longer shown as an accessory use to the convenience store.

COMMENT 4: Please provide more information regarding the 30' Reservation Area and 60' Ingress/Egress Easement on the northern property boundary and any considerations that will be made to keep them open.

RESPONSE: These easements were created when this parcel was subdivide from the adjoining parcel (PIN: 097-20-0276) to the west. They were created to provide three (3) means of access to that parcel. The site development of the subject parcel has been designed to keep the access options open to the adjoining parcel at such time as the parcel develops.

A143

COMMENT 5: The square footage of the convenience store labeled on the Plan is different from the square footage listed on sheet I under Zoning Data.

RESPONSE: The plan has been revised to show the correct square footage of the convenience store.

COMMENT 6: On the Plan, there is no automotive service station use shown other than the fuel canopy and pumps. Please reconcile the square footage listed on sheet 1 under Zoning Data with the illustrated square footage devoted to the automotive service station use.

RESPONSE: The plan now delineates automotive service station.

COMMENT 7: On the Plan the fuel canopy and pumps should be fully drawn and labeled.

RESPONSE: The plan has been revised to show the fuel canopy and the pumps fully drawn and labeled.

COMMENT 8: A full landscape plan will need to be approved as part of a Site Plan submittal.

RESPONSE: Applicant will prepare and submit a landscape plan at the time of site plan.

COMMENT 9: Under Section 3-907(K)(2), containing special landscape buffer requirements for frontages onto primary highways, all required landscaping must be in the 50 feet of the Yard closest to Rt. 50, in front of the required structure (the stone wall).

RESPONSE: Landscaping is provided within the 50' yard between property line to Rt. 50 and required structure, and outside existing utility easements.

COMMENT 10: The proposed uses would be considered to be in Group 8 when determining buffer requirements.

RESPONSE: No response necessary to this comment.

A144

COMMENT 11: All Interior and Peripheral parking lot landscaping requirements must be met.

RESPONSE: Applicant will meet all interior and peripheral parking lot landscaping requirements.

COMMENT 12: Following the square footages devoted to each use as illustrated on the plan, the parking figures should be recalculated to reflect 4,187 s.f. of convenience store use and 0 s.f. of interior space devoted to automotive service station use.

RESPONSE: The plan has been revised so that the automotive use is now delineated, therefore parking calculations remain the same.

COMMENT 13: Be advised that all signage requires separate permitting.

RESPONSE: Applicant notes this comment.

Nicole Steele, Project Manager
December 28, 2006
Page 6

**Arcola-Pleasant Valley Volunteer Fire Department
letter of December 4, 2005**

COMMENT: The subject application request special exception approval in order to permit the construction of a 9,184 square foot automotive service station with 12 gas pumps, and combination fast food/restaurant service. The project is within the primary fire and rescue service delivery of the Arcola-Pleasant Valley Volunteer Fire Department (APVVFD), and is considered a "moderate risk" from a protection standpoint.

The applicant should recognize the necessity to support fire and rescue services and offer voluntary contributions in accordance with the current criteria as follows:

A one-time base contribution of \$0.20 per gross square foot for non-residential structures, and shall escalate in accordance with the CPI beginning with the base year 1988. The initial contribution shall be payable to the County of Loudoun at the time of issuance of the zoning permit.

The applicant should submit for our review, a voluntary letter of the commitment for the contributions prior to the public hearings for zoning.

RESPONSE: Applicant agrees to submit a letter of commitment.

A146

**Virginia Department of Transportation
Letter of December 6, 2005**

COMMENT 1: The applicant is informed that per Loudoun County *Countywide Transportation Plan* there is a possibility a grade separated interchange may be located at John Mosby Highway, Route 50 and Pleasant Valley Road, Route 609, intersection. This may require dedication or reservation of additional right-of-way for the proposed interchange from the subject property in future.

RESPONSE: The Applicant is aware of this possibility.

COMMENT 2: All entrances should conform to *VDOT's Minimum Standards of Entrances to State Highways*, latest edition. (Minimum and maximum width of a two-way commercial entrance should be 30' and 40' respectively; measured at the tangent section of the curb-return.) The width of the entrances should be shown on the plat.

RESPONSE: Entrance widths are shown on the plat.

COMMENT 3: The first entrance on Pleasant Valley Road should be relocated as far north as possible to create a 12' wide right-turn lane and taper. Additional right-of-way for this lane should be dedicated accordingly.

RESPONSE: The first entrance has been relocated so as to accommodate a right-turn lane as requested.

COMMENT 4: A 12' wide right-turn lane for the entrance (right-in only) on Route 50 should also be provided.

RESPONSE: A turn lane has been provided for the right-in-only entrance on RT. 50.

COMMENT 5: Width of dedicated right-of-way and the proposed pavement for Pleasant Valley Road should be shown on the plan.

RESPONSE: Right of way and pavement widths are shown.

COMMENT 6: Width of right-of-way dedication for Route 50 should be shown on the plat.

RESPONSE: Width of right of way dedication is shown.

A147

COMMENT 7: The curb-return radius at the Route 50 and Pleasant Valley Road intersection should be 50'.

RESPONSE: Curb return radius is labeled 50'.

COMMENT 8: The following are additional comments on the Traffic Impact Study:

- According to the existing count information., the southbound left turn volumes should be 71 not 170.

RESPONSE: An Addendum to the Traffic Study will be filed making this correction to the Traffic Study.

- According to the scoping meeting notes, a + 10 year analysis should have been included.

RESPONSE: As shown on the Traffic Study, Appendix A, page 2 (Scoping Meeting Notes), Mr. Phillips advised that "no build out plus 10 years needed." Therefore it was excluded.

- In table 3 on page 2 1, a 25% pass-by reduction should also have been taken from the approved usage trip generation. This will result in higher percentage differences between the proposed and approved land usage.

RESPONSE: No pass by reductions taken on either scenario. The 25% reduction taken on the proposed use are internal trips between the restaurant and the gas station.

- According to the report, the volumes in figure 7 on page 18 are determined by growing the existing volume at 1% for 3 years and adding the volumes from the other developments. Using figure 4, a 1% growth rate and the figures in appendix F, the resulting volumes do not equal those shown in figure 7. Please explain.

RESPONSE: An Addendum to the Traffic Study will be filed making this correction to the Traffic Study.

Nicole Steele, Project Manager
December 28, 2006
Page 9

**Loudoun County Health Department
Letter of December 6, 2005**

COMMENT: This Department reviewed the submission by Holtzman Family Limited Partnership, and recommends approval with the following conditions:

- 1) All the proposed lots and structures are properly served by public water and public sewer.
- 2) Formal plans for the proposed restaurant be submitted with appropriate fees to Loudoun County Health Department, for review and approval prior to submission of application for building permits.

RESPONSE: Applicant has no objection to these conditions.

A149

**Loudoun County Department of Fire-Rescue
Memorandum dated December 8, 2005**

Thank you for the opportunity to review the above captioned special exception application to allow a service station with a convenience food store, 12 pumps and a restaurant The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objections to the application as presented.

The GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project Name	Arcola VFRC	Arcola VFRC
		South Riding Station 19 Miles	South Riding Station 9 Travel Time
097-20-1845	Holtzman Oil	2 miles (temp) 2.74 miles (perm)	4 minutes 5 minutes, 28 seconds

The Travel Times for each project were calculated using ArcView and the Network Analyst extension to calculate the distance in miles. This distance was then doubled to provide an approximate travel time for a Fire or EMS unit to reach each project site. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied, another one to three minutes should be added.

Project Name	Approximate Response Time for Arcola VFRC South Riding Station 19
Holtzman Oil	6 minutes (temporary station) 7 minutes 28 seconds (perm station)

We did not receive comments from the first due fire and rescue company; however, we recommend the applicant would consider a contribution to the fire and rescue company in accordance with current criteria. If you have any questions or need additional information, please contact me at 703-777-0333.

RESPONSE: No response is required of Applicant.

A150

**Office of Transportation Services
Memorandum dated December 14, 2005**

COMMENT 1: The land reservation/dedication is not shown on the Special Exception Plat for this site at the intersection of Route 50/ Pleasant Valley Road.

RESPONSE: Land reservation area and dedication of right of way are shown.

COMMENT 2: The applicant should dedicate 100 foot ROW from the centerline on Route 50 to the property line of the subject site.

RESPONSE: This dedication is shown.

COMMENT 3: The Countywide Transportation Plan (CTP) indicates that additional dedication may be required for left and right turn lanes at the intersection of Route 50/ Pleasant Valley Road. As recommended applicant's consultant, the traffic study shows the requirement for the following turning lanes:

- Pleasant Valley Road - double left turn lanes to Route 50 eastbound and a right turn lane.
- Route 50 - double left turn lanes on the eastbound.

RESPONSE: Turn lanes are now provided as requested.

COMMENT 4: The applicant should provide a right turn lane for the right-in only entrance on Route 50.

RESPONSE: A right turn lane is provided for the right-in only entrance as requested.

COMMENT 5: The site entrances should be aligned with the entrances located on the opposite side of the applicant's site on Pleasant Valley Road. All the entrances should be compatible to VDOT standards.

RESPONSE: The northern entrance now aligns with entrance across the street of Pleasant Valley Road.

AISI

COMMENT 6: The Loudoun County Bicycle and Pedestrian Master Plan, which was adopted on October 20, 2003, states that a bicycle and pedestrian facilities should be established along Route 50 and Pleasant Valley Road. The applicant should construct a trail on Route 50 the same width as constructed on Route 50 in Fairfax County. The applicant should build a 5 foot side walk on Pleasant Valley Road along the frontage of the site. In order for VDOT to maintain the trail and the sidewalk, these facilities must be built within the public right-of-way; otherwise, it is the responsibility of the applicant to maintain facilities built outside the right-of-way. To insure the safety of bicyclists and motorists, all bicycle facilities must be designed according to AASHTO standards (CTP Guide for development Bicycle Policies #8). These standards are documented in A Guide for the Development of Bicycle Facilities, AASHTO, 1999, and may be obtained through AASHTO's website www.aashto.org.

RESPONSE: Sidewalk and trails are now provided.

COMMENT 7: The applicant should provide frontage improvements on Pleasant Valley Road consistent with a U4 section. A right turn lane should be provided.

RESPONSE: U4 section and right turn lane is provided on Pleasant Valley Road.

COMMENT 8: A cash contribution should be provided for construction of a westbound Route 50 lane along the applicant's frontage.

RESPONSE: Applicant will agree to contribute to the cost of this lane.

COMMENT 9: Please note that there is a possibility for a single-point urban diamond interchange that may be located at the intersection of Route 501 Pleasant Valley Road. No design currently exists for this interchange and no land dedication is being requested at this time.

RESPONSE: No response required.

Building and Development
Memorandum dated January 25, 2006

Regarding wetlands

COMMENT 1. The subject property consists predominantly of hydric soils (79A). There is also a drain that traverses west to east through the north-central portion of the property. The combination of hydric soils and natural drainage features suggest the presence of jurisdictional waters and wetlands. Further, Loudoun County has developed a wetland predictive model which identifies wetlands along the drain on the property. Please provide a jurisdictional determination from the United States Army Corps of Engineers (USACE) to demonstrate compliance with the avoidance and minimization criteria required by Section 404 of the Clean Water Act and Section 9VAC25-10115A of the Virginia Water Protection Permit Regulations. The jurisdictional determination is also needed to evaluate the effect of the proposed special exception on water quality which is required in Section 6-13 1 0 of the Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO) and is also instrumental in meeting the wetland pen-nit requirements in Facilities Standards Manual (FSM) Section 5.3 1 O.E and to ensure that the discharge of stormwater pollutants to wetlands will be minimized in accordance with FSM Section 5.3 1 O.F. The limits of regulated waters and wetlands should be shown on Sheet 3. The source of the delineation and the USACE jurisdictional determination project number and date should also be provided on the plat.

RESPONSE: Applicant has secured a delineation and determination as requested.

Regarding water quality

COMMENT 2. A proposed stormwater management (SWM)/best management practice (BMP) area is identified in the southern portion of the site along Route 50. Staff has concerns with the location of the facility and meeting landscaping requirements described in Section 3-907(K) of the Revised 1993 LCZO, which states that "the plantings shall be installed on the parcel within the fifty feet, of the front yard located immediately adjacent to the right-of-way of the primary highway in front of the required structure". Sheet 3 currently shows the required plant units behind the stone wall, approximately 50 to 85 feet from the right-of-way. Staff defers to the Zoning Administration regarding the landscaping requirement.

RESPONSE: Applicant will address this issue at site plan.

COMMENT 3. FSM Section 5.200 states that low-impact development (LID) practices should be incorporated into drainage designs. Please provide information in plan view and in a narrative describing the LID measures that will be employed as part of the proposed development. Staff recommends bioretention with underdrains that tie into the proposed storm sewer system. Bioretention may be feasible in the landscaped island between the two entrances.

Please note that the bioretention facility should not treat runoff from the fueling area (see Comment #5).

RESPONSE: Applicant will address this issue at site plan. Applicant will also explore the feasibility of a bioretention facility in the landscaped island between the two entrances.

COMMENT 4. Pursuant to FSM Section 5.320, storing and dispensing of petroleum products is considered a stormwater hotspot and may require a Virginia Pollution Discharge Elimination System (VPDES) permit. As part of the permit, a stormwater pollution prevention plan (SWPPP) must be developed that incorporates BMPS. To obtain the permit application and for additional information pertaining to the VPDES permitting process, staff recommends contacting the Virginia Department of Environmental Quality.(DEQ) Northern Virginia Regional office, at 703-583-3800.

RESPONSE: Applicant is aware of this concern and will issue this issue with the appropriate authorities.

COMMENT 5. Staff recommends a condition of approval that requires the applicant to provide a containment system that isolates the fueling area (both gas pumps and underground storage tanks from stormwater runoff generated on the remainder of the property. The condition should also specify a BMP that will be used to treat the isolated area during a spill situation to ensure that petroleum does not contaminate the runoff leaving the site. The extent of the isolated area and the location of the BMP should be identified on Sheet 3.

RESPONSE: Applicant will address this issue at site plan.

COMMENT 6. A floodplain alteration (FPAL-2002-0015) has been conducted for the Cadmor Center to the east which has changed the limits of the minor floodplain on the subject property. The minor floodplain limits shown on Sheet 3 appear to match the limits approved as part of the floodplain alteration. However, staff notes that the topography on the subject property has been altered since the approval of the floodplain alteration. Therefore the minor floodplain limits are not accurate. Please revise Sheets 2 and 3 so that the minor floodplain is depicted accurately.

RESPONSE: Applicant will address this issue at site plan.

COMMENT 7. The current layout does not comply with the River and Stream Corridor Policies of the Revised General Plan. Once the minor floodplain is depicted accurately, staff recommends that the scope of the project be reduced to eliminate encroachments within the minor floodplain.

RESPONSE: Applicant will prepare and submit a floodplain alteration application to address this issue at time of site plan.

Regarding tree cover

COMMENT 8. Based on the Existing Tree Canopy Description provided on Sheet 2 (Existing Conditions Plat), the existing trees in the northern portion of the property consist of Eastern red cedar (*Juniperus virginiana*). The description states that the condition of the trees is poor due to the amount of disturbance that has occurred on the site. Although the applicant has requested a waiver of the tree survey, staff still requests additional information regarding the basis in which the condition rating was determined. Staff notes that Eastern red cedar is a resilient tree species that can establish and thrive under many site conditions.

RESPONSE: Acknowledged, the condition of the trees is not currently in poor condition. However, due to design and site constraints Applicant will be unable to retain these trees. In addition, if Applicant were to attempt to save them they would most likely suffer due to their proximity to the construction activities, etc. Therefore Applicant proposes new landscaping that satisfies buffering and landscaping requirements per zoning ordinance and Applicant does not plan to take an existing tree credit.

Regarding soils

COMMENT 9. The soil mapping unit in the northern most portion of the property is incorrectly labeled 78A on Sheet 2. The correct soil mapping unit is 67B. Please update the label.

RESPONSE: The plat has been revised as requested.

COMMENT 10. Add soil mapping unit 67B to the Soil Characteristics table on Sheet 2.

RESPONSE: Unit 67B has been added to the Soil Characteristics table on Sheet 2.

Other

COMMENT 11. The applicant has requested a waiver of the Phase I Archeological Survey. Staff defers to Community Planning regarding the waiver request and the need for the survey.

RESPONSE: No response is necessary to this comment.

COMMENT 12. Revise the acronym for the floodplain alteration application on Sheet 3 from "F" to "FPAL".

A155

Nicole Steele, Project Manager
December 28, 2006
Page 16

RESPONSE: The plat has been corrected.

COMMENT 13. Depict the existing culvert(s) under Pleasant Valley Road on Sheets 2 and 3.

RESPONSE: Existing culverts are now shown.

A156

**Department of Planning
Memorandum dated January 27, 2006**

LAND USE

COMMENT 1. Planned Land Use. The subject site is located in the Dulles Community of the Suburban Policy Area near the Loudoun/Fairfax County line. This area north of Route 50 is planned for Industrial uses (Revised General Plan, Planned Land Use Map, p. 7-23).

General Industrial uses are predominately labor-intensive industrial and commercial uses. Industrial Centers are intended to accommodate the continued operation and expansion of major industrial uses in the County and to provide a degree of protection for industrial uses from other land uses. Primary land uses in these industrial areas are General Industry and Heavy Industry (Revised General Plan, text, p. 6-30). Land bordering Route 606 and south of the Washington Dulles International Airport will be designated for General Industrial uses (e.g., manufacturing, bus/trucking repair facilities, warehouse and assembly, and airport serving uses) (Revised General Plan, Policy 3, p. 6-31).

The proposed service station with fuel pumps, a convenience store, and restaurant is not an Industrial use and is not a use envisioned for the subject property. The properties to the north and west are currently vacant and could be developed as industrial. Furthermore, there is a land use mix (measured as a percentage the land area) in a General Industrial Area that should be met (Revised General Plan, Policy 8, p. 6-31):

	Minimum	Maximum
Land Use Category	Required	Permitted
a. Residential	6%	0%
b. Commercial Retail & Services	0%	10%
c. Office	0%	20%
d. Light Industrial	0%	20%
e. Industrial	70%	90%
f. Public& Civic	0%	No maximum
g. Public Parks& Open Space	10%	No maximum

According to this mix, the maximum amount of Commercial Retail & Services permitted is 10 percent, and is intended to serve the planned or already existing Industrial uses. It does not appear as if the proposed fuel station with convenience store and restaurant are ancillary retail and service uses, as no Industrial uses are currently proposed as a part of this project.

If this proposal is to receive further consideration, staff recommends information be submitted on how the proposed retail and service uses plan to function as ancillary services for this Industrial area.

Staff finds that the proposed service station is not an appropriate use on the subject site, as this area is planned Industrial per the Revised General Plan policies. Staff recommends submitting information on how the proposed retail and service uses plan to function as ancillary services for this Industrial area.

RESPONSE: The industrial uses and commercial uses on Pleasant Valley Road are not served by any retail food or convenience facilities. All employers and employees as well as visitors and vendors to this district must exit the district at Route 50 for such services. Providing these services on the property will eliminate this necessity and will avoid numerous vehicles at Route 50 and Pleasant Valley Road.

As stated above, the proposed service station is not in conformance with the planned land use for the site. However, should this application move forward, staff recommends the following be taken into consideration.

EXISTING CONDITIONS

COMMENT 1. Wetlands. Protecting groundwater and surface water (e.g., streams and wetlands) from contamination and pollution is a major water resource issue for the County (Revised General Plan, text, p. 5-12). The County supports the federal goal of no net loss to wetlands in the County (Revised General Plan, Policy 23, P. 5-11).

Hydric soils are present on site, which are often an indicator of wetlands. Wetlands have not been delineated on the SPEX plat and have not been verified by the U.S.

Army Corp of Engineers (USACE). Verification of the consultant's delineation from the USACE is desirable at the time of rezoning so that staff can be assured that the full extent of wetlands have been identified and will be protected. Wetlands should be indicated on the SPEX plat. Staff defers to Building and Development regarding verification from the USACE.

Staff recommends wetlands be depicted on the SPEX plat. Staff defers to Building and Development regarding verification from the USACE.

RESPONSE: Wetlands are depicted on the revised plat.

COMMENT 2. Forest Cover. The Revised General Plan calls for the protection of forests and natural vegetation for the various economic and environmental benefits that they

provide (Revised General Plan, Policy 1, p. 5-32). A waiver of the Tree Conservation Plan has been requested, as the applicant states that, "At the northern end of the site, the average red cedar is 6' in diameter at breast height and is less than twenty-five years old. The condition of these trees is poor due to the amount of disturbance that has previously occurred on the site." The Planning Department has granted the waiver at checklist, but stated that granting the waiver "does not preclude staff from asking for a Tree Conservation Plan if found necessary to review the proposal."

According to the County Arborist, it does not appear that the Eastern Red Cedars along the northern edge of the property are in poor condition, as stated by the applicant. These trees could potentially serve as a Type 4 buffer along the northern portion of the property. A Tree Inventory should be submitted stating why these trees are in poor condition. If concluded they are not, then they should be retained and preserved as a Tree Conservation Area and used as a buffer along the northern portion of the subject site.

Staff recommends the applicant submit a Tree Inventory that explains why the Eastern Red Cedars on the site are in poor condition. If concluded that these trees are not in poor condition, staff recommends they be retained and preserved as a Tree Conservation Area and used as a buffer along the northern portion of the subject site.

RESPONSE: If at site plan stage any trees are to be kept and used to meet buffer yard requirements, a tree inventory will be provided at that time.

COMMENT 3. River and Stream Corridor Resources. The County will strive to preserve, protect, and manage the river and stream corridor resources through policy and regulation, and the development and implementation of strict performance standards, best management practice requirements, and permissible uses (Revised General Plan, text, p. 5-6). In addition to the rivers and streams that drain 100 acres or more, the corridors include associated 100-year floodplains, and adjacent steep slope areas (Revised General Plan, Policy 3, p. 5-6).

According to the Environmental Review Team (ERT), the topography on the site has been altered since the approval of the floodplain alteration, therefore the minor floodplain limits shown on the SPEX plat are not accurate. The applicant should work with ERT to resolve this issue.

The floodplain shown on the SPEX plat does not extend beyond the stream banks by 100 feet. Therefore, a 100-foot minimum buffer should be depicted. The 100-foot buffer is measured from the scar line landward on both sides of the stream. In addition, any proposed construction shown to be within the 100-foot buffer area on the plat should be removed and relocated.

Staff recommends the applicant work with ERT to resolve the issue regarding the accurate limits of the floodplain on the SPEX plat. Staff recommends that a 100-foot minimum buffer

be depicted on both sides of the stream on the SPEX plat. In addition, staff recommends no construction within the 100-foot minimum buffer in order to protect the river and stream corridor resources.

RESPONSE: 100' buffer would render this lot unusable. In addition, this stream is at the top of the watershed and all drainage down stream from this site has been urbanized. A 100' buffer on this site would do nothing to protect downstream water quality.

SITE DESIGN

1. Retail Design Guidelines

The intent of the Revised General Plan is to achieve and sustain a Built Environment of high quality (Revised General Plan, Policy 1, p. 5-5). The Retail Design Guidelines policies, outlined on pages 20 and 21 of the Retail Plan, apply to the development of any retail center in the County. Landscaping and buffering are shown on the SPEX plat. A "preliminary elevations" plat was submitted with the application, which included illustratives. The illustratives do not address the Design Guidelines of the Retail Plan. Additional information should be submitted related to the following Retail policies (Retail Plan, p. 20-21):

Building Placement and Design

- Rooftop mechanical equipment should be screened. Preferably, screening should be incorporated into the roof form. Ground mounted mechanical equipment should be screened.

Circulation

- Parking areas should be visually screened from adjacent streets and residential areas by heavy landscaping, depressing the parking area and/or by constructing earthen berms.
- All loading and storage areas must comply with Zoning Ordinance regulations and must be screened from adjacent residential areas by earthen berms, masonry walls, permanent wooden fencing, or dense landscaping.

Landscaping and Buffering

- Large parking areas should be landscaped with trees and shrubs reduce the visual impact, provide shade, and reduce the heat absorption of the parking area.

- The street frontage of retail centers should be landscaped with trees to help create a green edge on both sides of the street.
- Existing natural environmental features such as hedgerows, mature trees, and berms should be integrated into the landscape plan for retail centers, where feasible.
- Retail buildings and parking areas should be sufficiently screened and buffered from adjoining residential areas by distance, transitional uses, landscaping and/or natural vegetation to mitigate the effects of noise, lighting and traffic on the surrounding residences.
- Residential areas should be buffered from adjacent retail uses by trees, fences, and hedges.

Signs and Lighting

- Signs for retail centers should be developed as an integral part of the overall center design. A unified graphic design scheme is encouraged.
- Lighting should reduce glare and spillage of light onto adjoining properties and streets. Fixtures should be attractive site elements that are compatible with the architecture of the retail center.

RESPONSE: Applicant will comply with the Zoning Ordinance requirements and site plan requirements on these issues. Further discussion of these Guidelines are set forth on pages 25 to 28 below.

All of the above Design Guidelines issues should be addressed in the Statement of Justification, as well as on the illustrative sheet of the plat. The revised Illustratives should include the proposed gas canopy so that staff can ensure it meets the design guidelines. In addition, staff recommends a commitment to the amount of landscaping as shown on the SPEX plat to ensure that adjoining properties and roadways are buffered from the proposed service station.

Staff recommends the proposal address the Design Guidelines of the Retail Plan, as outlined above. Staff recommends revised illustratives include the proposed gas canopy. In addition, staff recommends commitment to the amount of landscaping as shown on the SPEX plat to ensure that adjoining properties and roadways are buffered from the proposed service station.

RESPONSE: Applicant will revise the illustratives as requested in this comment.

A161

2. Stormwater Management Facility

Plan policies call for "appropriate standards to protect natural streams from the harmful effects of increased stormwater volume and velocity resulting from harmful development" (Revised General Plan, Policy 5, p. 5-17). Furthermore, the County promotes water conservation through "low impact development techniques, which integrate hydrologically functional designs with methods for preventing pollution" (Revised General Plan, Policy 2, p. 5-17).

A stormwater management/best management (SWM/BMP) practices facility is shown along the southern edge of the site, along Route 50. Specific information should be provided regarding specifically what type of SWM/BMP is proposed, and what type of bioretention and low-impact development (LID) techniques will be used. Furthermore, the plat does not show how runoff containing petroleum products will be retained. An oil and water separator or manufactured BMP should be installed around the gas tank and pumping islands. Staff recommends discussions with Building and Development on this topic.

Staff recommends providing specific information on what type of SWM/BMP facility is proposed, and what type of bioretention and LID techniques will be used. In addition, staff recommends discussions with Building and Development regarding the use of an oil and water separator or manufactured BMP on site.

RESPONSE: Detailed stormwater management facilities will be determined at site plan.

The Revised General Plan states that "the County will require secondary containment, treatment and emergency response plans for business storing and dispensing of petroleum products (Revised General Plan, Policy 21, p. 5-12). Should the application move forward, spill mitigation and emergency response should be addressed, as the proposed parking lot is an anticipated pollutant source of automotive related runoff (road salts, oil, and grease) which will impact surface water quality. A specific spill mitigation plan should be developed for the site.

Staff recommends the development of a spill mitigation plan that includes information on secondary, containment, treatment, and emergency response plans for the storing and dispensing of petroleum products on site.

RESPONSE: The Applicant will comply with the requirements of the Zoning Ordinance regarding spill mitigation plans.

3. Parking

The submitted plat shows 121 parking spaces will be provided, as well as one loading space. Ten spaces are proposed for the automobile service station use, when six are required by the Zoning Ordinance. Also, eleven spaces are proposed for the convenience food store use, when nine are required. One-hundred spaces are proposed for the restaurant use, the number required by the Zoning Ordinance. The amount of parking on site should be reduced to only that which is required.

Staff recommends the site meet, not exceed, the applicable County parking standards.

RESPONSE: No response required.

4. Lighting

The Design Guidelines outlined above include a policy for lighting (Retail Plan, Policy D2, p. 21), but there are additional lighting policies of the Revised General Plan that should be addressed as well. The Revised General Plan promotes the use of lighting for public safety and visibility without the nuisance associated with light pollution (Revised General Plan, Policy 1a, p. 5-42). Lighting should thus be designed for effective nighttime use of the facility while at the same time minimizing the off-site glare (Revised General Plan, text, p. 6-20). The Retail Plan further specifies that fixtures should be attractive site elements that are compatible with the architecture of the retail center (Retail Plan, Policy D2, p. 21).

Details regarding the specific type of lighting to be used, as well as the intensity and times of illumination have not been provided. Lighting should be decorative and compatible with high visual quality of the store, service station, and restaurant while minimizing light pollution and off-site glare.

Staff recommends that the proposed lighting be decorative and compatible with the visual quality of the service station, while minimizing light pollution and off-site glare.

RESPONSE: Applicant's proposed lighting will be decorative, compatible with the visual quality of the business and will minimize light pollution and off-site glare.

CATCHMENT OR MARKET AREA

As stated previously, the proposed service station is not in conformance with the planned land use for the site. However, should this application move forward, staff recommends that information on a catchment or market area study be provided.

A163

In evaluating Business land use proposals, the market and population threshold (which should be large enough for the proposed business use to financially support itself and not depend upon that portion of the population that is already served by existing and competing projects) should be considered (Revised General Plan, Policy 3a, p. 6-20). The application does not include information regarding the catchment or market area, as well as an analysis of existing and proposed competing projects.

Staff recommends the application be amended to include a statement describing the catchment or market area, as well as an analysis of existing and proposed competing projects.

RESPONSE: Applicant will revise its Statement of Justification to address the catchment/market area to serve the existing and planned residents of this area.

RECOMMENDATIONS

Staff is unable to fully evaluate the proposal until such time additional information is provided and reviewed. The applicant should submit information explaining how the proposed retail and service uses can function as ancillary services for the Industrial uses in the area. In addition, staff recommends the following issues be addressed:

1. Depict wetlands on the SPEX plat;

RESPONSE: Wetlands are now shown.

2. Submit a Tree Inventory that explains why the Eastern Red Cedars on site are in poor condition. If concluded that these trees are not in poor condition, staff recommends they be retained and preserved as a Tree Conservation Area and used as a buffer along the northern portion of the subject site;

RESPONSE: See Building & Development comment response 8.

3. Work with ERT to determine the accurate limits of the floodplain on the SPEX plat;

RESPONSE: Updated site topography is now shown

4. Provide a 100-foot minimum buffer on both Sides of the stream, and indicate it on the SPEX plat. In addition, staff recommends no construction within the 100-foot minimum buffer in order to protect the river and stream corridor resources;

A164

RESPONSE: 100' buffer would render this lot unusable. In addition, this stream is at the top of the watershed and all drainage down stream from this site has been urbanized. A 100' buffer on this site would do nothing to protect downstream water quality.

5. Address the Design Guidelines of the Retail Plan;

A. Building Placement and Design

1. All retail centers should include a site design that is compact and makes buildings the prominent feature of the site as viewed from adjoining roads.

RESPONSE: The proposed building on this site will be the prominent feature on the site as viewed from the adjoining roads.

2. It is desirable to have a green space to separate parking lots from sidewalks.

RESPONSE: Sidewalks are proposed for the site along Pleasant Valley Road and an asphalt trail is proposed along John Mosby Highway. Applicant has proposed landscaping along the sidewalk and trail. In addition, there will be landscape and green space on other areas on the site.

3. Buildings within a multi-building retail center should exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location and architectural details.

RESPONSE: The proposed building on the site will be the only building on the site when it is completed.

4. Large freestanding stores, retail centers and restaurants should be encouraged to provide usable outdoor spaces.

RESPONSE: There are no large free standing stores proposed for the site.

5. Required drainage and stormwater management facilities, such as holding basins, drainage swales and culverts should be incorporated into the site design of the project. Natural drainage features should be conserved to the greatest extent possible.

A165

RESPONSE: Drainage and stormwater management facilities are being incorporated into the site design of the project. Natural drainage features will be preserved to the greatest extent possible.

6. Building massing should be varied to break down the scale of large buildings and retail centers. Long, flat facades are strongly discouraged. It is desirable that building facades should incorporate recesses, off-sets, angular forms or other features to avoid presenting a "blank side" to neighboring properties.
7. Pitched, mansard and other distinctive roof forms are strongly encouraged.
8. Rooftop mechanical equipment should be screened. Preferably, screening should be incorporated into the roof form. Ground mounted mechanical equipment should be screened.

RESPONSE: The design features contained in Guidelines 6, 7 and 8 will be incorporated into the design of the building of the on the property to the extent possible.

9. Retail buildings should incorporate continuous arcades over the front walkway to provide weather protection for shoppers and create a pedestrian-oriented environment.

RESPONSE: A canopy and arcade will be provided for the protection of customers and visitors to the site.

B. Circulation, Parking, and Loading

1. Pedestrian traffic, internal to the retail center, should be provided with a safe travel route from the parking area to the building with a demarcated pathway and clear directional signage. Trees and other plantings should be provided along the walkway.
2. Sidewalks should be provided to Neighborhood Convenience and Neighborhood Retail Centers to accommodate benches, bikes, strollers, and planters.
3. Parking areas should be visually screened from adjacent streets and residential areas by heavy landscaping, depressing the parking area and/or by constructing earthen berms.

4. All loading and storage areas must comply with Zoning Ordinance regulations and must be screened from adjacent residential areas by earthen berms, masonry walls, permanent wooden fencing, or dense landscaping.

RESPONSE: The Guidelines contained in paragraph 1 through 4 will be incorporated into the design of the site to the extent possible.

C. Landscaping and Buffering

1. Large parking areas should be landscaped with trees and shrubs to reduce the visual impact, provide shade, and reduce the heat absorption of the parking area.

RESPONSE: The parking areas on the site will be landscaped to accomplish the objectives contained in Guideline C. 1.

2. The street frontage of retail centers should be landscaped with trees to help create a green edge on both sides of the street.

RESPONSE: The street frontage will be landscaped to help create a green edge along the street frontage.

3. Existing natural environmental features such as hedgerows, mature trees, and berms should be integrated into the landscape plan for retail centers, when feasible.

RESPONSE: There are few mature trees on the site. Effort will be made to retain those trees that contribute to the landscaping plan of the site and new trees will be planted to replace or supplement the existing trees.

4. Retail buildings and parking areas should be sufficiently screened and buffered from adjoining residential areas by distance, transitional uses, landscaping and/or natural vegetation to mitigate the effects of noise, lighting and traffic on the surrounding residences.

RESPONSE: There are no adjoining residential areas from which the site will be visible.

5. Residential areas should be buffered from adjacent retail uses by trees, fences and hedges.

RESPONSE: There are no adjoining residential areas from which the site will be visible.

D. Signs and Lighting

1. Signs for retail centers should be developed as an integral part of the overall center design. A unified graphic design scheme is strongly encouraged.

RESPONSE: The signs will be designed as an integral part of the center.

2. Lighting should reduce glare and spillage of light onto adjoining properties and streets. Fixtures should be attractive site elements that are compatible with the architecture of the retail center.

RESPONSE: The lighting will be designed in such a way as to reduce glare and spillage of light onto adjoining properties and streets while at the same time reasonably addressing the safety and security needs of the site. In addition, lighting fixtures will be attractive site elements that are compatible with the architecture of the site.

6. Provide revised illustratives that include the gas canopy;

RESPONSE: Attached is a photograph of the canopy design used at Applicant's other locations.

7. Commit to the amount of landscaping as shown on the SPEX plat to ensure that adjoining properties and roadways are buffered from the proposed service station;

RESPONSE: We hereby commit to amount, however final location will be determined at site plan stage.

8. Provide specific information on what typed of SWM/BMP facility is proposed, and what type of bioretention and LID techniques will be used; discuss with Building and Development the use of an oil and water separator or manufactured BMP on site;

RESPONSE: We have insufficient engineering data to design SWM/BMP facility at this time, and will be addressed at site plan stage.

A168

9. Development of a spill mitigation plan that includes information on secondary containment, treatment, and emergency response plans for the storing and dispensing of petroleum products on site

RESPONSE: Applicant will provide a detailed narrative of its spill mitigation plan.

10. Meet, not exceed, the applicable County parking standards;

RESPONSE: Applicant believes that the additional spaces are needed.

11. Provide lighting that is decorative and compatible with the visual quality of the service station, while minimizing light pollution and off-site glare; and,

RESPONSE: Applicant agrees that the lighting will be decorative and compatible with the visual quality of the service station. Applicant will submit a lighting plan at site plan.

12. Include a statement describing the catchment or market area, as well as an analysis of existing and proposed competing projects.

RESPONSE: The industrial uses and commercial uses on Pleasant Valley Road are not served by any retail food or convenience facilities. All employers and employees as well as visitors and vendors to this district must exit the district at Route 50 for such services. Providing these services on the property will eliminate this necessity and will avoid numerous vehicles at Route 50 and Pleasant Valley Road.

Nicole Steele, Project Manager
December 28, 2006
Page 30

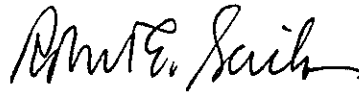
I believe we have addressed all of the County's comments regarding this application. Enclosed are fifteen (15) revised Special Exception Plat for review, ten (10) copies of the canopy photograph and one (1) copy of the spill mitigation plan.

The delay in responding the comments was a result of the Applicant's need for a wetland delineation from the Army Corp of Engineers. Applicant could not completely respond to the comments until the Army Corp of Engineers' letter was received. The County was advised by letter dated July 17, 2006, address to Darren Murphy, the prior Project Manager, that the Applicant and his engineer were in the process of resolving environmental issues. Therefore, we do not believe the Applicant should be charged a "reinstatement" fee in this instance.

I look forward to hearing back from you on this application after you have reviewed the Applicant's responses to the referral comments.

Sincerely yours,

SEVILA, SAUNDERS, HUDDLESTON & WHITE, P.C.



Robert E. Sevila

enclosures

cc: William B. Holtzman
Kevin Van Hise
Kevin Sitzman

A170

LAW OFFICES
SEVILA, SAUNDERS, HUDDLESTON & WHITE
A PROFESSIONAL CORPORATION
POST OFFICE BOX 678

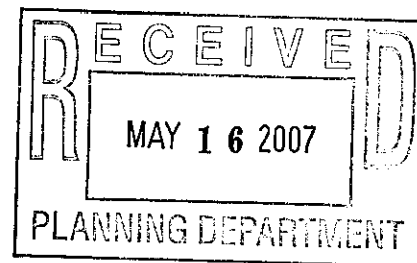
ROBERT E. SEVILA
RICHARD R. SAUNDERS, JR.
JON D. HUDDLESTON
CRAIG E. WHITE
LAWRENCE M. SCHONBERGER
WILLIAM R. FITZPATRICK
BENJAMIN B. FITZGERALD
RACHEL K. DOWNS
KATHRYN C. SCHUSTER

LEESBURG, VIRGINIA 20178-0678

30 NORTH KING STREET
LEESBURG, VIRGINIA 20176
(703) 777-5700
METRO (703) 471-9800
FAX (703) 771-4161

May 16, 2007

Ms. Nicole Steele, Project Manager
Department of Planning
County of Loudoun
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20177



Re: Holtzman Oil – Pleasant Valley
SPEX 2005-0040

Dear Ms. Steele:

The following are our responses to the referral agency comments. The comments are on the pages indicated below:

<u>Referral Agency</u>	<u>Page</u>
1. Office of Transportation Services Memorandum dated February 23, 2007.....	2
2. Virginia Department of Highways Letter dated March 8, 2007.....	4
3. Environmental Review, Department of Building and Development Letter dated March 30, 2007....	5
4. Department of Planning Memorandum dated March 29, 2007.....	8
5. Zoning Administration, Department of Building and Development Memorandum of April 2, 2007.....	17

A171

Nicole Steele, Project Manager
May 16, 2007
Page 2

**Office of Transportation Services
Memorandum dated February 23, 2007
from Shaheer Assad, Senior Transportation Engineer, Planner**

Comment 1: The land reservation/dedication is not shown on the Special Exception Plat for this site at the intersection of Route 50/Pleasant Valley Road.

Applicant Response: Land reservation area and dedication of right of way are shown.

Issue Status: Resolved

Response: None required.

Comment 2: The applicant should dedicate 100 foot ROW from the centerline on Route 50 to the property line of the subject site.

Applicant Response: This dedication is shown.

Issue Status: Resolved

Response: None required.

Comment 3: The Countywide Transportation Plan (CTP) indicates that additional dedication may be required for left and right turn lanes at the intersection of Route 50/ Pleasant Valley Road. As recommended by the applicant's consultant, the traffic study shows the requirement for the following turning lanes:

- Pleasant Valley Road .double left turn lanes to Route 50 eastbound and a right turn lane.
- Route 50 .double left turn lanes on the eastbound. Applicant Response: Turn lanes are now provided as requested.

Issue Status: Resolved

Response: None required.

Comment 4: The applicant should provide a right turn lane for the right-in only entrance on Route 50.

Applicant Response: A right turn lane is provided for the right-in only entrance as requested.

Issue Status: Resolved

Response: None required.

Comment 5: The site entrances should be aligned with the entrances located on the opposite side of the applicant's site on Pleasant Valley Road. All the entrances should be compatible to VDOT standards.

Applicant Response: The northern entrance now aligns with entrance across the street of Pleasant Valley

Issue Status: Resolved

A172

Response: None required.

Comment 6: The Loudoun County Bicycle and Pedestrian Master Plan, which was adopted on October 20, 2003, states that a bicycle and pedestrian facilities should be established along Route 50 and Pleasant Valley Road. The applicant should construct a trail on Route 50 the same width as constructed on Route 50 in Fairfax County. The applicant should build a 5 foot side walk on Pleasant Valley Road along the frontage of the site. In order for VDOT to maintain the trail and the sidewalk, these facilities must be built within the public right-of-way; otherwise, it is the responsibility of the applicant to maintain facilities built outside the right-of-way. To insure the safety of bicyclists and motorists, all bicycle facilities must be designed according to AASHTO standards (CTP Guide for development Bicycle Policies #8). These standards are documented in A Guide for the Development of Bicycle Facilities, AASHTO, 1999, and may be obtained though AASHTO's website www.aashto.org.

Applicant Response: Sidewalk and trails are now provided.

Issue Status: The applicant should construct a 10 feet wide trail within the right-of-way on Route 50 to be compatible with VDOT requirement for maintenance.

Response: Trail along Rt. 50 has been revised to 10 feet wide.

Comment 7: The applicant should provide frontage improvements on Pleasant Valley Road consistent with a U4 section. A right turn lane should be provided.

Applicant Response: U4 section and right turn lane is provided on Pleasant Valley Road.

Issue Status: Resolved

Response: None required.

Comment 8: A cash contribution should be provided for construction of a westbound Route 50 lane along the applicant's frontage.

Applicant Response: Applicant will agree to contribute to the cost of this lane.

Issue Status: The Department of Building and Development should provide a cost estimate for constructing the third lane on Route 50 along the frontage of the site.

Response: None required.

Comment 9: Please note that there is a possibility for a single-point urban diamond interchange that may be located at the intersection of Route 50/Pleasant Valley Road. No design currently exists for this interchange and no land dedication is being requested at this time.

Applicant Response: No response required

Issue Status: It is very unlikely the updated CTP will show an interchange at this intersection.

Response: None required.

A173

Nicole Steele, Project Manager
May 16, 2007
Page 4

**Virginia Department of Highways
Letter dated March 8, 2007
from Rashid Siraj, P.E., Transportation Engineer**

Comment 1: Our previous comments on the facility layout and the traffic impact study have been satisfactorily addressed. However, we have noticed that the right-in entrance from John Mosby Highway, Route 50 is encroaching the adjacent "Sheets" property boundary to the west. Will additional property be acquired from "Sheets" to accommodate this part of the entrance? Or is the shared entrance acceptable to this property owner? The plat should clearly indicate the status (easement/dedication, etc.) of the property boundaries.

Response: Applicant is in the process of addressing the shared entrance. We are preparing a plat for circulation and review.

Comment 2: Since this application was filed we have reviewed a construction plan that will add a third lane on westbound Route 50, in front of the subject property. This road improvement is proposed by East Gate One, per Loudoun County Plan Number CPAP 2006-0122. It appears that this widening would impact the layout of entrance proposed for the facility. The applicant therefore should coordinate his application with Loudoun County plans and revise the entrance accordingly. (Note: The layout proposed for the entrance at this time will not work with Route 50 westbound lane widening plan.)

Response: These improvements are now shown and the entrance has been revised accordingly.

A174

Nicole Steele, Project Manager
May 16, 2007
Page 5

**Environmental Review Team
Department of Building and Development
Memorandum dated March 30, 2007
from: William Marsh, Environmental Review Team Leader**

Regarding floodplain and stream buffers

Comment 1: Please demonstrate through a floodplain study that the fill/debris that has been deposited on the subject property has not resulted in an offsite increase in the flood elevation, consistent with Section 4-1508(B)(1) of the Revised 1993 Loudoun County Zoning Ordinance (see Photos 1 and 2). Update the floodplain limits on sheets 2 and 3 accordingly.

Response: The current site grade referred to as "fill/debris" is a result of grading performed under approved STPL 1998-0035 in which a grading permit was issued. The project approved under STPL 1998-0035 was abandoned prior to completion. The current lot owner and applicant was not associated with the "fill/debris" area in question. The applicant will perform a Floodplain Study & Alteration at the Construction Drawing stage since the ultimate grade of the site will be changing again based on the proposed grading of the subsequent construction plans.

Comment 2: Once the minor floodplain is depicted accurately, staff recommends that the scope of the project be reduced to comply with the River and Stream Corridor Policies, including the 50-foot management buffer or 100-foot stream buffer, whichever is greater. [Revised General Plan, Page 5-6]

Response: Comment noted. No response required.

Regarding water quality

Comment 3: Pursuant to FSM Section 5.320, storing and dispensing of petroleum products is considered a stormwater hotspot. As previously stated, staff recommends a condition of approval that requires a containment system that isolates the fueling area (both gas pumps and underground storage tanks) from stormwater runoff generated on the remainder of the property. The condition should also specify a best management practice (BMP) that will be used to treat the isolated area during a spill situation to ensure that petroleum does not contaminate the runoff leaving the site. The extent of the isolated area and the approximate location of the BMP should be identified on Sheet 3.

Response: As requested, the plan has been revised to illustrate the extent of the surface spill containment area and the approximate location of BMP. A number of options for BMP (such as an Oil & Water Separator and/or Oil Stop Valve) could be utilized to treat and contain the isolated area during a spill situation. Final design of BMP will occur at the Construction Plan

A175

stage. The containment system for the underground storage tanks is detailed in the attachment from Holtzman Oil included with this submission.

Comment 4: In the letter to Darren Murphy from Gary Lantz, Construction Manager for Holtzman Equipment and Construction, dated December 18, 2006, "sumps" and "5-gallon containment sumps" are referred to as protective measures to ensure that petroleum is not released into the environment. Please provide a detail that illustrates their location and function within the fueling area.

Response: Details are enclosed for your reference. Note that final on-site location has not yet been determined. However, they will conform to all applicable state and federal regulations and will not be located in the wetlands area.

Comment 5: Identify the type of stormwater management (SWM)/BMP facility proposed along the property's frontage adjacent to Route 50. Staff recommends that the application include enhanced water quality protection measures, particularly if the proposal does not fully meet the River and Stream Corridor Policies as described above.

Response: The proposed SWM/BMP facility along the property's frontage adjacent to Route 50 has been revised to a SWM Dry Pond. Stormwater Management for the subject site will be addressed via a SWM Dry Pond and/or an Underground Stormwater Detention System. Best Management Practices (BMP) will be addressed via a series of stormwater filtration devices. The plans have been revised to illustrate the approximate location of the proposed SWM Dry Pond and the Underground Stormwater Detention System to address the SWM requirements as well as potential locations for the stormwater filtration devices to address the BMP requirements. Please note that the locations of SWM facilities and BMP filtration systems are subject to change based on final design at the Construction Plan stage.

Regarding wetlands

Comment 6: Please adjust the wetland symbol on the Sheets 2 and 3 so that these features are more discernable. In addition, staff requests information on the status of the applicant's state and federal wetland permits and the extent of the required mitigation. Staff emphasizes the importance of mitigating unavoidable wetland and stream impacts in close proximity to the disturbed areas to help maintain water quality, flood protection, and habitat benefits. This approach is consistent with Policy 23 on Page 5-11 of the RGP which states that "the County will support the federal goal of no net loss to wetlands in the County." Furthermore, the County's strategy is to protect its existing green infrastructure elements and to recapture elements where possible (RGP, Page 6-8, Green Infrastructure Text).

Response: The wetlands delineation line has been thickened so as to be more readable. Wetland permit information has been enclosed for your reference.

Comment 7: The three proposed underground storage tanks correspond with the existing wetland. Regardless as to whether a wetland permit is obtained to fill in the wetland, staff strongly recommends that the storage tanks be relocated outside of this poorly drained area.

Response: These tanks have been relocated.

Other

Comment 8: Please identify the date of the survey referenced in Note 2 on Sheet 1.

Response: Survey reference data has been revised and date is now provided.

Comment 9: The canopy elevation provided on Sheet 3 includes 6 gas pump islands, while the plan shows 5 gas pump islands. Please clarify this discrepancy.

Response: There are 5 pump islands the section elevation has been revised.

Comment 10: The gas pump illustrations provided in the canopy elevation and canopy cross section on Sheet 3 are inconsistent. Please review and update as necessary.

Response: See comment response above.

Comment 11: The County is embarking on a project to map and inventory wetlands located within Loudoun County. We are requesting that the development community contribute digital data to this effort, specifically, the Corps-approved wetland delineation (jurisdictional waters and wetlands), including the delineation of the study limits. Loudoun County's GIS uses ESRI software and can import .DXF data. Our coordinate system is Virginia State Plane. Datum NAD 83 data is preferable, if available. Metadata on the digital data (e.g., map scale, age, etc.) is also helpful.

Response: No response required.

Comment 12: Due to the scope of the comments provided, staff requests an opportunity to review the subsequent submission of this application. Please contact me if you need any additional information.

Response: The Applicant has arranged a meeting with County Staff to discuss these comments.

A177

**Department of Planning
Memorandum dated March 29, 2007
From Melanie L. Wellmann, Community Planning**

OUTSTANDING ISSUES

Comment 1. Land Use

In the 1st referral staff stated that the proposed service station, fuel pumps, and convenience store are not appropriate uses on the subject site, as this area is planned industrial per the Revised General Plan. Staff recommended the application demonstrate how the proposed retail and service uses were to function as ancillary to the surrounding industrial community.

The applicant has responded to staff's request by arguing that "the industrial uses on Pleasant Valley Road are not served by any retail food or convenience facilities. All employers and employees as well as visitors and vendors to this district must exit the district at Route 50 for such services. Providing these services on the property will eliminate this necessity and will avoid numerous vehicles at Route 50 and Pleasant Valley Road."

The Route 50 Plan, approved on October 17, 2006, supports additional retail that exceeds the land use mix in the industrial community north of Route 50 if it meets the following criteria (Route 50 Plan, Policy 2, p. 6):

- a) The retail use provides the goods and services needed by local employment and/or supports the development of tourism in the Route 50 corridor;
- b) The retail use is compatible with the surrounding Industrial communities that exist or have been approved/proposed;
- c) The retail use does not access Route 50 directly;
- d) The proposal provides appropriate and adequate transportation infrastructure; and,
- e) The proposal conforms with the policies in the Retail Plan.

While the proposed service station, fuel pumps and restaurant are not tourism-based development, the uses would provide retail and services to the surrounding industrial employment area, as the Industrial Community currently has limited food and convenience

A178

options. However, staff is concerned with how the proposed service station fits into an area planned Industrial. Typically retail and service uses in Industrial areas are envisioned to be incorporated into a larger project, as opposed to being stand-alone. In addition, the application should meet the five criteria listed above in Policy 2. In particular, the retail use should not have access to Route 50 (explained further below).

While the proposed service station with fuel pumps and a restaurant would not be considered tourism-based, the additional retail would provide goods and services to employers in an Industrial Community where services are currently limited. However, in order to support the addition of retail along the Route 50 Corridor, the application must show that it can meet the five criteria listed in the Route 50 Plan, Policy 2, p. 6. In addition, the application should ensure that it is well-connected and fits in with the surrounding Industrial Community.

Response: Route 50 is a major tourism corridor. In addition to the surrounding Industrial Community, this use will serve tourism-based traffic. There is limited opportunity for motorists to purchase gasoline on westbound side of Route 50 from Chantilly to Middleburg, Leesburg and Haymarket.

The right-out will serve this property and the adjoining property. This is not a full movement entrance; only right out. The Office of Transportation has not objected to it at this location.

Comment 2. Eastern Red Cedar Trees

In the first referral staff recommended the applicant submit a Tree Inventory that explains why the Eastern Red Cedars on site are considered to be in poor condition as the application stated in the 1st submission. According to the County Arborist it appears that the trees are in good condition, and could potentially serve as a Type 4 buffer along the northern portion of the property. The applicant has responded by stating that the trees are in fact not in poor condition, but due do design restraints the trees will not be maintained. Instead, the application states that buffer requirements will be met with new plantings.

Given the good condition of the Eastern Red Cedars, and the need to meet a Type 4 buffer requirement, the trees should be kept and maintained. Staff further notes that the property to the north is zoned MRHI (Mineral Resources – Heavy Industry) and planned for industrial uses. The existing Eastern Red Cedars would provide heavy, natural landscaping needed to buffer potentially heavy industrial uses from the subject site, consistent with Plan policies (Retail Plan, Policy C3, p. 21).

Staff recommends the Eastern Red Cedars on the northern portion of the subject site be kept and maintained to serve as the buffer between the subject site and the property to the north.

A179

Response: As directed in our meeting with the County Planning Staff, we will specify Eastern Red Cedars to be planted in this north buffer yard to replace those that must be removed during construction.

COMMENT 3. River and Stream Corridor Resources

In the first referral staff recommended the applicant work with the Environmental Review Team (ERT) to depict the accurate limits of the floodplain on the SPEX plat, as it has been determined by staff that the topography on the subject site has been altered since the approval of the floodplain alteration, and therefore the minor floodplain limits shown on the SPEX plat are not accurate. In addition, staff recommended that a 100-foot minimum buffer be depicted on the SPEX plat, on both sides of the stream on site, and that no construction occur within the 100-foot minimum buffer in order to protect the river and stream corridor resources, per Plan policy (Revised General Plan, Policy 3, p. 5-6).

The applicant has responded to ERT's comment regarding river and stream corridor resources by stating that, "the applicant will prepare and submit a floodplain alteration application to address this issue at time of site plan." The applicant has also responded stating that, a 100' buffer would make the lot unusable, that the stream on site is at the top of the watershed, and that all drainage downstream from this site has been urbanized. Therefore, it is of the applicant's opinion that a 100 – foot buffer on this site would not protect downstream water quality.

Waiting until site plan to submit a floodplain alteration study or depict the accurate limits of the floodplain on site would do little to protect the floodplain, as this Special Exception would already be approved and redesigning the site to take into consideration environmental impacts would be difficult. It would be more beneficial to depict the accurate floodplain limitations at this time, during the review of the SPEX, so that staff can fully evaluate the impacts of the development on the existing environmental resources. In addition, all river and stream corridor resources should be depicted on the SPEX plat, including the 100 – foot stream buffer, and that the proposed development be designed in such a way to minimize impact on the river and stream corridor resources as possible, per Plan policy.

Staff recommends that the applicant depict the accurate limits of the floodplain and river and stream corridor resources on the SPEX plat so that staff can fully evaluate the impact of the proposed project on the environmental resources.

A180

Response: A Floodplain Study will be performed at the Construction Drawing stage. Please note that the current site grade is a result of grading performed under approved STPL 1998-0035 in which a grading permit was issued. The project approved under STPL 1998-0035 was abandoned prior to completion. The current lot owner and applicant was not associated with any changes to the existing floodplain limits. In the interim, the applicant will work with the Department of Planning and the Water Resources Department to satisfy their concerns with regard to the environmental impact of the proposed project.

Comment 4. Design Guidelines

In the first referral staff outlined several policies in the Retail Plan pertaining to building placement and design, circulation & parking, landscaping & buffering, and signage & lighting. Staff recommended the proposal address those Design Guidelines as stated in the Retail Plan. In addition, staff recommended a commitment to the amount of landscaping as shown on the SPEX plat to ensure that adjoining properties and roadways are buffered from the proposed service station.

The applicant responded by stating that the project will comply with the Zoning Ordinance regarding design issues. An illustrative has been submitted of another service station, similar to the one proposed with this application. Examples of the proposed signage have been included on the SPEX plat. However, the issue of lighting has not been addressed, and the applicant has not committed to the amount of landscaping. Per the Retail Plan policies, large parking areas should be landscaped with trees and shrubs to reduce visual impact, retail buildings and parking areas should be sufficiently screened and buffered, and lighting should reduce glare and spillage of light onto adjoining properties and streets.

In addition to addressing the Retail Plan Design Guidelines, the application should address the Architectural Guidelines of the Route 50 Plan. Those policies encourage "consistency throughout the corridor area to promote a sense of place and provide attractive areas for businesses" (Route 50 Plan, Architectural Guidelines, Policy 1, p. 2). The County shall encourage submission of architectural guidelines for new developments along the corridor (Policy 2, p. 2).

Direction on how to create an attractive and unified gateway to Loudoun County can be found in the Route 50 Corridor Design Guidelines, adopted January 4, 2007 (Attachment 2). Within these guidelines are some design improvements that could be incorporated into the proposed service station. In terms of form and roofline, the guidelines suggest that a long expanse of roof should be avoided, and that a sloped roof could be used in lieu of a flat roof. A

sloped roof could also screen mechanical equipment. The Guidelines also discuss the use of landscaping at the perimeter of parking areas to screen them from adjacent uses and roadways.

The application should comply with the Design Guidelines of the Retail Plan, as well as the Route 50 Architectural Guidelines of the Route 50 Plan. Design is a concern because of the site's prominent location near the Loudoun/Fairfax County line. The proposed service station will be one of the first projects seen when traveling along Route 50 into Loudoun County from Fairfax. Thus, the application should address the Route 50 Corridor Design Guidelines to ensure a design of high visual quality, with landscaping, pedestrian connections, and attractive architecture.

Response: With regard to landscaping and pedestrian connections, this clearly illustrates conformance with the Design Guidelines. In accordance with Rt. 50 Corridor Design Guidelines, high visual quality is provided for with the pedestrian connections and landscaping elements shown on the plat. In addition, proposed architecture will also conform to these guidelines as outlined per the Architecture Design Guideline note on sheet 3 of the plat.

Staff recommends the application be revised to comply with the Design Guidelines of the Retail Plan, while also taking into consideration the Route 50 Corridor Design Guidelines. Staff also recommends the gas canopy design be revised to include a roof which is sloped or divided to avoid a long expanse with little variation.

Response: See response above. Applicant will prepare architectural detail of the proposed canopy with construction plans for its building permit.

Comment 5. Landscaping

To provide an aesthetically pleasing corridor, all properties along Route 50 will be developed with a unified treatment of setbacks and landscaping consistent with the landscaping guidelines established as a result of the Route 50 Task Force Report (Arcola Area/Route 50 Corridor Plan, Policy 1, p. 3). ZOAM 2006-0002, Route 50 Landscaping, was approved on September 12, 2006, to implement the landscaping recommendations of the Route 50 Task Force.

It is the intent of the Arcola Area/Route 50 Corridor Plan for Route 50 to have unified landscaping along the entire length of the corridor through the County, in the form of a Type 5 buffer. A Type 5 buffer is shown the SPEX plat. A condition of approval would ensure the protection and maintenance of all landscaping on site throughout the life of the project.

A182

Staff recommends the applicant commit to the amount of landscaping shown on the SPEX plat, as well as commit to protect and maintain the landscaping throughout the lifetime of the project.

Response: This has been so noted on the plat, see landscape notes sheet 3.

Comment 6. Stormwater Management (SWM) & Best Management Practices (BMP)

In the first referral staff recommended specific information regarding what type of SWM/BMP facility is proposed on site and what low-impact development (LID) techniques will be used, as a facility is shown on the SPEX plat along the southern edge of the site, fronting Route 50. In addition, staff recommended an oil and water separator or manufactured BMP be installed around the gas tank and pumping islands, and recommended the applicant discuss this topic with Building and Development (B&D). The applicant has responded by stating that the detail of stormwater management facilities will be determined at site plan. Staff additionally recommended that a spill mitigation plan be developed, which includes information on secondary containment, treatment, and emergency response plans for the storing and dispensing of petroleum products on site, per Plan policy (*Revised General Plan*, Policy 21, p. 5-12). The applicant has responded by stating they will comply with Zoning Ordinance requirements regarding spill mitigation plans.

Environmental Review Team (ERT) staff within B&D has noted that there is an opportunity to incorporate LID measures in the form of bioretention into the landscaped island between the two entrances. Staff also noted that the bioretention facility should not treat runoff from the fueling area. The applicant states that they will explore these issues at site plan. In order to prevent potential pollution from runoff caused by the proposed gas station use, discussions on stormwater and LID techniques should occur prior to the site plan process. Spill mitigation, containment, and emergency response should also be addressed at this time.

Staff recommends the issues of stormwater and the potential of LID techniques be discussed with staff during the SPEX process. In addition, staff recommends the development of a spill mitigation plan that includes information on secondary containment, treatment, and emergency response, per Plan policy.

Response: A spill mitigation plan is now provided (see sheet 3).

A183

Comment 7. Lighting

In the first referral staff recommended that proposed lighting be compatible with the visual quality of the service station, while minimizing light pollution and off-site glare. The applicant has responded by stating the application will comply with Zoning Ordinance requirements.

Staff recommends a condition of approval that site, building, and parking lot lighting be designed and constructed with full cut-off and fully shielded fixtures so that the light will be directed inward and downward toward the interior of the property, away from adjacent streets and properties, is confined to the site, and has illumination levels that are no greater than necessary for a light's intended purpose.

Response: This is now noted on the plan, see general note 26 on cover sheet.

Comment 8. Catchment or Market Area

In the first referral staff recommended that the application be amended to describe the catchment or market area, as well as an analysis of existing and proposed competing projects in the area, per Plan policy. The applicant has responded by stating the Statement of Justification will be revised to address this issue.

Staff is awaiting the revised Statement of Justification from the applicant. Staff recommends the application be amended to describe the catchment or market area, as well as an analysis of existing and proposed competing projects.

Response: This comment has been satisfied.

Comment 9. Pedestrian Connections

Suburban Communities should be pedestrian-friendly (Revised General Plan, Design Guidelines, p. 11-5). The County is committed to establishing an integrated trails system for pedestrians and cyclists, and will work to establish connections among pedestrian and bicycle sidewalks, paths, and trails (Revised General Plan, text, p. 5-39). The Bicycle and Pedestrian Mobility Master Plan calls for shared-use paths to be a minimum of 10-feet wide and paved (Bike/Ped Plan, text, p. 42).

Since the 1st referral the application has been revised to include an 8-foot multi-use trail along Route 50, as well as a gazebo near the proposed SWM facility. Staff commends the applicant for proposing those active and passive recreational and civic amenities. However, the proposed shared-use paths should be 10-feet to comply with Plan policies.

Also, in order to provide safer access to the gazebo from the service station and convenience store, crosswalks and sidewalks should be provided. These should be depicted on the SPEX plat. The sidewalk should be placed along the perimeter of the proposed SWM facility, and crosswalks should be placed throughout the parking lot.

In addition, a 10-foot wide asphalt trail should be placed along Route 609, Pleasant Valley Road, to connect the service station with other properties. If the proposed retail use is considered ancillary to the industrial uses in the area, then inter-parcel pedestrian connections should be provided to nearby uses.

Staff recommends all trails provided be a minimum of 10-feet in width. Staff also recommends sidewalks and crosswalks be provided on site to allow safer access between the proposed gazebo and the service station. All sidewalks and crosswalks should be depicted on the SPEX plat. In addition, the application should provide a 10-foot wide asphalt trail along Route 609, Pleasant Valley Road to connect the service station with surrounding uses.

Response: The asphalt trail along Rt. 50 has been increased to 10' wide. Sidewalk and crosswalk are now provided for access to gazebo. Per meeting with county the 5' sidewalk as shown along Pleasant Valley Road will remain.

Comment 10. Access to Route 50

As stated previously, the Area/Route 50 Corridor Plan (CPAM 2005-0007) was approved on October 17, 2006. The Route 50 Plan supports additional retail that exceeds the land use mix in the industrial community north of Route 50 if it meets certain criteria (Route 50 Plan, Policy 2, p. 6). One of the criteria is that the retail use cannot access Route 50 directly. The proposed service station contains a right-in-only entrance with a turn lane off of Route 50. Right-in/right-out access is not envisioned for Route 50 when it becomes a limited access highway.

Staff recommends a commitment to completely remove the proposed entrance onto Route 50 at such time as the interchange construction plans are approved.

Response: This entrance has been revised to accommodate current proposed improvements along west bound lanes in accordance with VDOT comments.

A185

Nicole Steele, Project Manager
May 16, 2007
Page 16

Comment: Staff would be happy to meet with the applicant to discuss these issues.
Response: Applicant met with County Staff and discussed these issues.

A186

**Zoning Administration
Department of Building and Development
Memorandum dated April 2, 2007
from Theresa H. Miller, Planner**

Comment 1: Original comment: *Part of the site is located within the Floodplain Overlay District (FOD) in a Minor Floodplain. The proposed uses are not allowed in a FOD. A Floodplain Alteration needs to be filed with and approved by the County before these uses can be located where they are currently sited in the proposal.*

Original Response: Applicant will submit a floodplain study to verify that the location of the buildings are outside of the floodplain.

New comment: County records indicate that a Floodplain Alteration has yet to be submitted for this site. The floodplain alteration will need to be approved prior to special exception approval.

Response: The Floodplain Study & Floodplain Alteration will be performed at the Construction Drawing stage which would provide elevations and proposed topography for an accurate analysis. In the interim, the applicant will work with the Zoning Administration and Water Resources Department to satisfy their concerns with regard to the location of the proposed uses within the Floodplain Overlay District.

Comment 2: Original comment: *The Blimpie and Godfather's Pizza must be demonstrated to be accessory uses to the convenience store. "Restaurant, Carry-Out Only" is not a permitted use in the CLI district by right or by special exception; therefore the Blimpie and Godfather's Pizza are not permitted principal uses on the property.*

Original Response: The Blimpie and Godfather's Pizza are accessory to the principal uses of automobile service station and convenience store. This use will provide as a convenience to the customers of the automobile service station and the convenience store, freshly prepared sandwiches and pizzas on a carry out basis. Each will occupy less than 5,000 square feet and is clearly subordinate and accessory to the principal use and are intended to serve the customers of the principal use.

New comment: In order for the uses to be considered accessory, all components of the Blimpie and Godfather's Pizza (to include food storage, preparation and service areas) must be less than 20% of the convenience store. The accessory use can only be associated with one principal use. Please provide the breakdown of area used but the accessory uses.

Response: All references to Blimpies or Godfathers has been removed. There are now 3 principal uses only, convenience store, gas service station and restaurant (see zoning tabs on cover sheet).

A187

Comment 3: Original comment: *The automotive service station is too large to be an accessory use to the convenience store and the convenience store is too large to be an accessory use to the automotive service station. Each of these uses must be a separate principal use that must be able to function independently. Therefore, please show that the automobile service station is fully capable of operation independent from the convenience store.*

Original Response: The automotive service station has been delineated so that it is no longer shown as an accessory use to the convenience store.

New comment: Your final site will be required to be in substantial conformance with your special exception plat. By delineating the building in two sections, the accessory uses to the convenience store (Blimpies and Godfather's Pizza) must be located in the section of the building labeled as convenience. To clarify the original comment, a separate cash register for the sale of the gasoline will need to be provided. Therefore, the majority of the 4,186 sq ft can be designated to the convenience store and its accessory uses. Adjust site zoning tabulations as necessary.

Response: See comment response 2 above.

Comment 4: Original comment: *Following the square footages devoted to each use as illustrated on the plan, the parking figures should be recalculated to reflect 4,187 s.f. of convenience store use and 0 s.f. of interior space devoted to automobile service station use.*

Original Response: The plan has been revised so that the automotive use is now delineated, therefore parking calculations remain the same.

New comment: Please refer to the previous comment regarding the need for separate cash registers. Please insure that parking calculations are based on the actual amount designated for each separate use. Adjust site zoning tabulations as necessary. In addition, total off-street parking spaces shown on Sheet 3 total 122 while the site zoning tabulations indicate 119 spaces are provided. Please clarify this discrepancy.

Response: Parking tabulations have been updated (see zoning tab on cover sheet).

Comment 5: Original comment: *A full landscape plan will need to be approved as part of a Site Plan submittal.*

Original Response: Applicant will prepare and submit a landscape plan at the time of site plan.

New comment: Please be advised that a Type 5 front yard buffer will be required along Route 50 (John Mosby Highway).

Response: Acknowledged.

Comment 6: Original comment: *Be advised that all signage requires separate permitting.*

Original Response: Applicant notes this comment.

New comment: Please remove all signage details from the special exception plat. Conformance to Section 5-1200 of the zoning ordinance is not reviewed at this time. Should signage not be in conformance with Section 5-1200, there will be an issue with being in substantial conformance with the special exception plat.

Response: Signage details have been removed.

Comment 7: New comment: General notes 9. According to County records, the status of SPAM-2001-0073 is now identified as Inactive.

Response: This note has been revised accordingly.

Comment 8: New comment: The Statement of Justification references that the applicant is seeking approval for twelve gas pumps. The special exception plat shows ten pumps totaling 20 gas fueling stations. Please clarify this discrepancy.

Response: Five pump islands with 2 pumps per island and 2 fueling stations per pump equal 20 fueling stations are shown on spex plat. Statement requires correction.

Nicole Steele, Project Manager
May 16, 2007
Page 20

I believe we have addressed all of the County's comments received to date regarding this application. Enclosed are fifteen (15) revised Special Exception Plat for review. Also enclosed are fifteen (15) copies of a revised Statement of Justification to address the change of ownership of the property.

I look forward to hearing back from you on this application after you have reviewed the Applicant's responses to the referral comments.

Sincerely yours,

SEVILA, SAUNDERS, HUDDLESTON & WHITE, P.C.

A handwritten signature in black ink, appearing to read "Robert E. Sevila", written in a cursive style.

Robert E. Sevila

enclosures

cc: William B. Holtzman
Kevin Van Hise
Kevin Sitzman

A190

LAW OFFICES

SEVILA, SAUNDERS, HUDDLESTON & WHITE

A PROFESSIONAL CORPORATION

POST OFFICE BOX 678

LEESBURG, VIRGINIA 20178-0678

ROBERT E. SEVILA
RICHARD R. SAUNDERS, JR.
JON D. HUDDLESTON
CRAIG E. WHITE
LAWRENCE M. SCHONBERGER
WILLIAM R. FITZPATRICK
BENJAMIN B. FITZGERALD
RACHEL K. DOWNS
KATHRYN C. SCHUSTER

30 NORTH KING STREET
LEESBURG, VIRGINIA 20176

(703) 777-5700

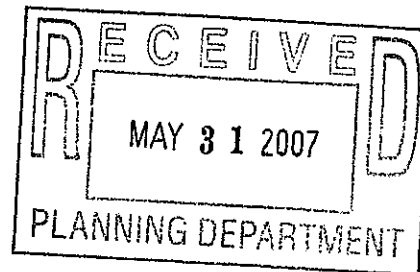
METRO (703) 471-9800

FAX (703) 771-4161

May 30, 2007

Ms. Nicole Steele, Project Manager
Department of Planning
County of Loudoun
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20177

Re: Holtzman Oil – Pleasant Valley
SPEX 2005-0040



Dear Ms. Steele:

This letter is to address revise the response to comments dated May 16, 2007, and specifically the following comment:

Virginia Department of Highways
Letter dated March 8, 2007
from Rashid Siraj, P.E., Transportation Engineer

Comment 1: Our previous comments on the facility layout and the traffic impact study have been satisfactorily addressed. However, we have noticed that the right-in entrance from John Mosby Highway, Route 50 is encroaching the adjacent "Sheets" property boundary to the west. Will additional property be acquired from "Sheets" to accommodate this part of the entrance? Or is the shared entrance acceptable to this property owner? The plat should clearly indicate the status (easement/dedication, etc.) of the property boundaries.

Our response was as follows:

Response: Applicant is in the process of addressing the shared entrance. We are preparing a plat for circulation and review.

However, as shown by the enclosed Joint Easement Agreement dated April 13, 1999, and recorded in Deed Book 1670 at page 1393, between Russell H. and Betty L. Sheets and

A191

Nicole Steele, Project Planner
May 30, 2007
Page 2

Mountainprize, Inc., grant a perpetual, non-exclusive easement at the location where the right-in entrance is shown. Therefore, no new Shared Entrance Agreement will be necessary since this easement is in existence as to this entrance.

If you have any questions regarding this matter or wish to discuss this further, please do not hesitate to call.

Sincerely yours,

SEVILA, SAUNDERS, HUDDLESTON & WHITE, P.C.

A handwritten signature in black ink, appearing to read "Robert E. Sevila". The signature is written in a cursive, flowing style.

Robert E. Sevila

enclosures

cc: William B. Holtzman
Kevin Van Hise
Kevin Sitzman

A192

JOINT EASEMENT AGREEMENT

THIS JOINT EASEMENT AGREEMENT (this "AGREEMENT"), made as of the 5th day of April, 1999, by and between RUSSELL H. AND BETTY L. SHEETS (hereinafter collectively referred to as "Sheets") and MOUNTAINPRIZE, INC., a Georgia corporation (hereinafter referred to as "Mountainprize");

WITNESSETH: That;

WHEREAS, Sheets is the owner of certain real property (the "Sheets Property") located in Loudoun County, Virginia, as more particularly described on Exhibit "A", attached hereto and incorporated by reference herein;

WHEREAS, Mountainprize is the owner of certain real property (the "Mountainprize Property") which is contiguous to the Sheets Property and more particularly depicted and described on Exhibit "B", attached hereto and incorporated by reference herein;

WHEREAS, Sheets desires and agrees to grant to Mountainprize an easement for vehicular and pedestrian ingress and egress, over, across and through a portion of the Sheets Property to the Mountainprize Property, more particularly described and labeled as "Ingress Easement Area 1" on Exhibit "C" attached hereto and incorporated by reference herein (the "Sheets Easement");

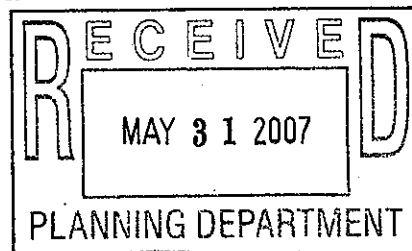
WHEREAS, Sheets desires and agrees to grant to Mountainprize a temporary, non-exclusive right, privilege and easement for ingress and egress, over, upon, across and through a portion of the Sheets Property which is more particularly depicted and described on Exhibit "D", attached hereto and incorporated by referenced herein (the "Construction Easement") for ingress and egress to construct and install the improvements to be built in the Temporary Construction Easement Area. This easement will terminate upon completion of the improvements.

WHEREAS, Mountainprize desires and agrees to grant to Sheets an easement for vehicular and pedestrian ingress and egress, over, across and through a portion of the Mountainprize Property to the Sheets Property, more particularly described and labeled as "Ingress Easement Area 2" on Exhibit "E" attached hereto and incorporated by reference herein ("Mountainprize Easement 1");

WHEREAS, Mountainprize desires and agrees to grant to Sheets an easement for vehicular and pedestrian ingress and egress, over, across and through a portion of the Mountainprize Property to the Sheets Property, more particularly described and labeled as "Ingress/Egress Easement Area 3" on Exhibit "F" attached hereto and incorporated by reference herein ("Mountainprize Easement 2");

WHEREAS, Mountainprize desires and agrees to grant to Sheets an easement for vehicular and pedestrian ingress and egress, over, across and through a portion of the Mountainprize Property to the Sheets Property, more particularly described and labeled as "Ingress/Egress Easement Area 4" on Exhibit "G" attached hereto and incorporated by reference herein ("Mountainprize Easement 3");

NOW, THEREFORE, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and of the mutual covenants herein contained, and for other valuable and good consideration in hand paid at or before the sealing of these presents, the sufficiency and receipt of which are hereby expressly acknowledged and confirmed, the parties hereby agree as follows:



THE SENTINEL TITLE CORPORATION
12700 Fair Lakes Circle, Suite 150
Fairfax, Virginia 22033
File No. 22033

A193

1. **Grant of Sheets Easement.** Sheets does hereby bargain, sell, grant and convey to Mountainprize a perpetual, non-exclusive right, privilege and easement in and to Easement Area 1 for the benefit of and as an appurtenance to the Mountainprize Property, for access, and ingress by pedestrian traffic and by motor vehicles on, over and across the Sheets Easement for the purpose of providing access to the Mountainprize Property.
2. **Grant of Construction Easement.** Sheets does hereby bargain, sell, grant and convey to Mountainprize a temporary, non-exclusive right, privilege and easement for the purpose of constructing improvements in the Temporary Construction Easement Area.
3. **Grant of Mountainprize Easement 1 .** Mountainprize does hereby bargain, sell, grant and convey to Sheets a perpetual, non-exclusive right, privilege and easement in and to the Mountainprize Easement Area for the benefit of and as an appurtenance to the Sheets Property, for access, and ingress by pedestrian traffic and by motor vehicles on, over and across Ingress Easement Area 2 for the purpose of providing access to and from the Sheets Property.
4. **Grant of Mountainprize Easement 2 .** Mountainprize does hereby bargain, sell, grant and convey to Sheets a perpetual, non-exclusive right, privilege and easement in and to the Mountainprize Easement Area for the benefit of and as an appurtenance to the Sheets Property, for access, ingress and egress by pedestrian traffic and by motor vehicles on, over and across the Ingress/Egress Easement Area 3 for the purpose of providing access to and from the Sheets Property. Seller acknowledges and agrees that that portion of the easement granted in this paragraph, depicted on the survey prepared by The Plan Source, dated April 8, 1998, designated as proposed right-of-way, is subject to being dedicated for right-of-way for Pleasant Valley Road. When said portion is so dedicated, any and all of Seller's easement right thereto shall terminate and be of no further force and effect. Seller hereby authorizes Purchaser to take those actions necessary to dedicate said portion of the easement.
5. **Grant of Mountainprize Easement 3 .** Mountainprize does hereby bargain, sell, grant and convey to Sheets a perpetual, non-exclusive right, privilege and easement in and to the Mountainprize Easement Area for the benefit of and as an appurtenance to the Sheets Property, for access, ingress and egress by pedestrian traffic and by motor vehicles on, over and across the Ingress/Egress Easement Area 4 for the purpose of providing access to and from the Sheets Property. Seller acknowledges and agrees that that portion of the easement granted in this paragraph, depicted on the survey prepared by The Plan Source, dated April 8, 1998, designated as proposed right-of-way, is subject to being dedicated for right-of-way for Pleasant Valley Road. When said portion is so dedicated, any and all of Seller's easement right thereto shall terminate and be of no further force and effect. Seller hereby authorizes Purchaser to take those actions necessary to dedicate said portion of the easement.
6. **Paving & Maintenance.** Mountainprize shall be responsible for the initial paving of Easement Area 2, and Easement Area 3. Mountainprize shall not be obligated, however, to commence or complete such paving until such time, if any, that Mountainprize develops the Mountainprize Property. Mountainprize shall repair and maintain Easement Area 2 and Easement Area 3 at its sole cost and expense, as is reasonably necessary.
7. **Binding Effect.** The benefits and burdens of the easements granted by this Agreement shall run with the title to the Sheets Property and the Mountainprize Property, and shall bind or benefit the owners thereof, their respective successors, successors-in-title, legal representatives and assigns.

8. Grant of Easements Only. Sheets and Mountainprize are not conveying any land or title thereto, but merely are granting the rights, privileges and easements hereinabove set forth, subject to the conditions set forth hereinabove. This Agreement is not and shall not be construed, interpreted or enforced as a dedication of all or any portion of the Sheets Property or Mountainprize Property to public use or to the private use of any party other than Sheets and Mountainprize, their respective invitees, customers, licensees, employees, agents, successors and assigns.

9. Waiver. The failure of the parties to exercise any right given hereunder or to insist upon strict compliance with any term, condition or agreement specified herein, shall not constitute a waiver of either party's right to exercise such right or to demand strict compliance with any such term, condition or agreement under this Agreement.

10. Governing Law. This Agreement shall be governed by and construed under the laws of the State of Virginia.

11. Counterparts. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, but all of which together will constitute one instrument.

IN WITNESS WHEREOF, the undersigned have executed and delivered this Agreement under seal as of the day and year first above written.

Russell H. Sheets
Russell H. Sheets

Betty L. Sheets
Betty L. Sheets

STATE OF VIRGINIA

Fairfax County, to wit:

I, ELLEN F. ERICKSON, a Notary Public in and for the City and State aforesaid, do certify that Russell H. Sheets, whose name is signed to the foregoing Joint Easement Agreement dated April 8, 1999, has acknowledged the same before me in my County and State aforesaid.

Given under my hand this 15th day of April, 1999.

Ellen F. Erickson
Notary Public
My commission expires: 9-30-2002

[SIGNATURES FOR JOINT EASEMENT AGREEMENT CONTINUED ON FOLLOWING PAGE]

[SIGNATURES FOR JOINT EASEMENT AGREEMENT CONTINUED FROM PRECEDING PAGE]

STATE OF VIRGINIA

Louis County, to wit:

I, ELLEN F. CRISSEN, a Notary Public in and for the City and State aforesaid, do certify that Betty L. Sheets, whose name is signed to the foregoing Joint Easement Agreement dated April 8, 1999, has acknowledged the same before me in my County and State aforesaid.

Given under my hand this 15th day of April, 1999.

Ellen F. Crissen
Notary Public

My commission expires: 9-30-2000

MOUNTAINPRIZE, INC., a Georgia corporation

By: Max LenkerTitle: President

STATE OF GEORGIA

COBB COUNTY, to wit:

I, VELMA G. KENDALL, a Notary Public in and for the City and State aforesaid, do certify that MAX LENKER, as PRESIDENT of Mountainprize, Inc., whose name is signed to the foregoing Joint Easement Agreement dated April 8, 1999, has acknowledged the same before me in my County and State aforesaid.

Given under my hand this 13th day of April, 1999.

Velma G. Kendall
Notary Public

My commission expires: Notary Public, Cobb County, Georgia
My Commission Expires Dec. 8, 2000

This instrument was prepared by
and is to be returned to:
Mountainprize, Inc.
Attn: General Counsel
P.O. Box 105806
Atlanta, GA 30348-0806

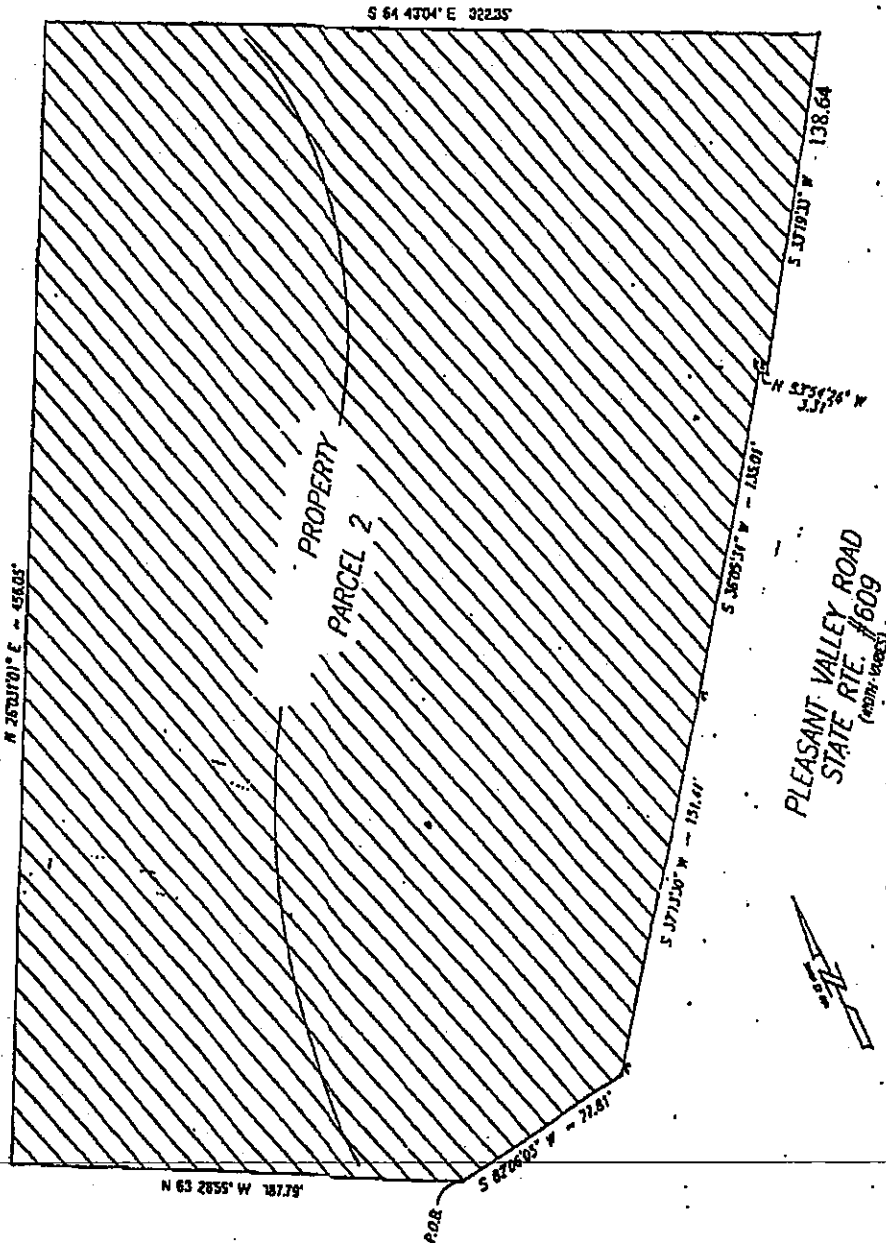
EXHIBIT "A"

All that tract or parcel of land shown as Parcel 1 on a Plat entitled "Boundary Line Adjustment on the Property of Russell H. and Betty L. Sheets"; said Plat prepared by Sumner Consulting and dated January 8, 1999. Said Boundary Line Adjustment Plat being recorded in Deed Book 1663, Page 220, Land Records of Loudoun County, Virginia.

BK1670PG1398

EXHIBIT "A" CONTINUED

N/F RUSSELL H. & BETTY L. SHEETS



JOHN MOSBY HIGHWAY
STATE RTE. #50
(HIGH WARES)

PLEASANT VALLEY ROAD
STATE RTE. #609
(HIGH WARES)

A198

EXHIBIT "B"

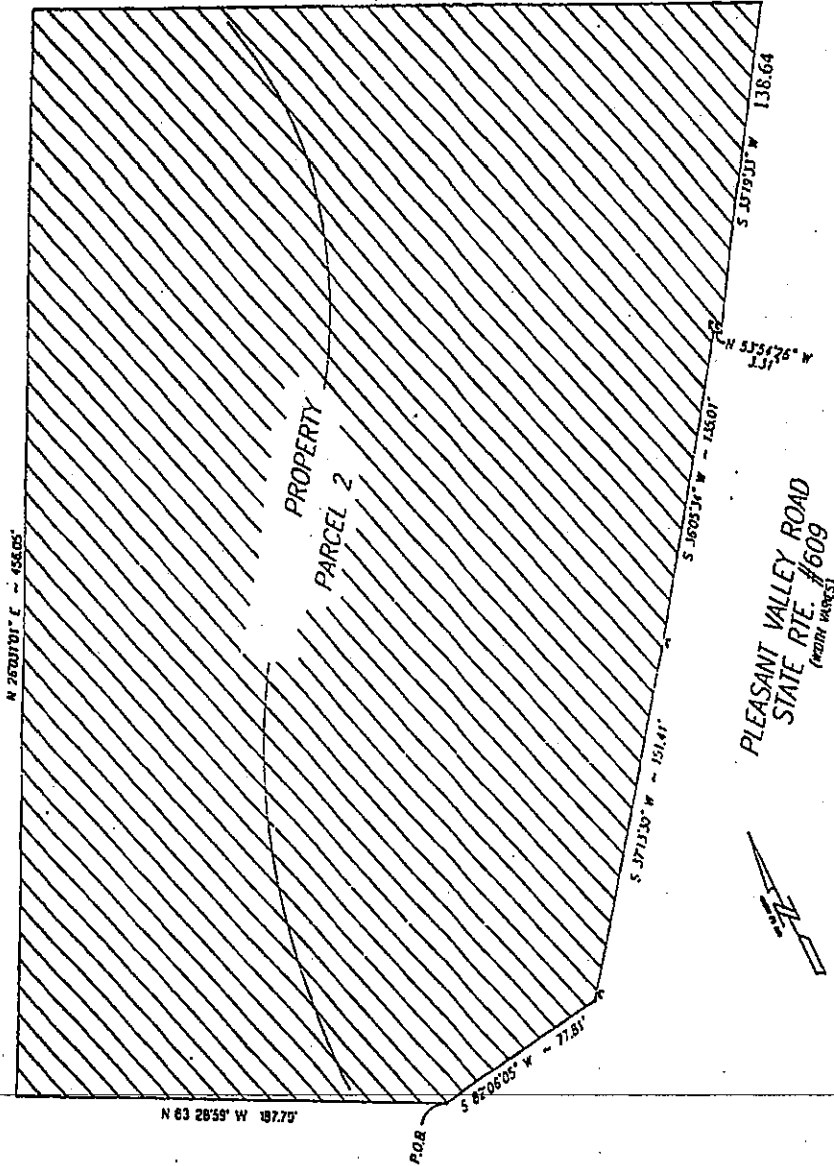
All that tract or parcel of land shown as Parcel 2 on a Plat entitled "Boundary Line Adjustment on the Property of Russell H. and Betty L. Sheets"; said Plat prepared by Sumner Consulting and dated January 8, 1999. Said Boundary Line Adjustment Plat being recorded in Deed Book 1663, Page 220, Land Records of Loudoun County, Virginia.

RK 1570PG1400

EXHIBIT "B" CONTINUED

S 64° 43' 04" E 322.25'

N/F RUSSELL H. & BETTY L. SHEETS



JOHN MCSBY HIGHWAY
STATE RTE. #50
(WIDTH VARIES)

PLEASANT VALLEY ROAD
STATE RTE. #609
(WIDTH VARIES)

A200

BK1670PG1401

EXHIBIT "C"

INGRESS EASEMENT AREA 1:

Being a portion of that tract or parcel of land shown as Parcel 1 on a Plat entitled "Boundary Line Adjustment on the Property of Russell H. and Betty L. Sheets"; said Plat prepared by Sumner Consulting and dated January 9, 1999. Said Boundary Line Adjustment Plat being recorded in Deed Book 1663, Page 220, Land Records of Loudoun County, Virginia; being more particularly described as follows:

BEGINNING at a point, said point being the southwestern property corner of Parcel 2 of the Sheets property, said property being located in the northwest quadrant of the intersection of John Mosby Highway (U.S. Route 50) and Pleasant Valley Road (VA State Route 609) in Loudoun County, Virginia. Said point also being located on the northern right-of-way of John Mosby Highway

THENCE along the right-of-way of John Mosby Highway North 63 degrees 28 minutes 59 seconds West for a distance of 10.00 feet to a point;

THENCE leaving the right-of-way of John Mosby North 26 degrees 31 minutes 01 seconds East for a distance of 132.00 feet to a point;

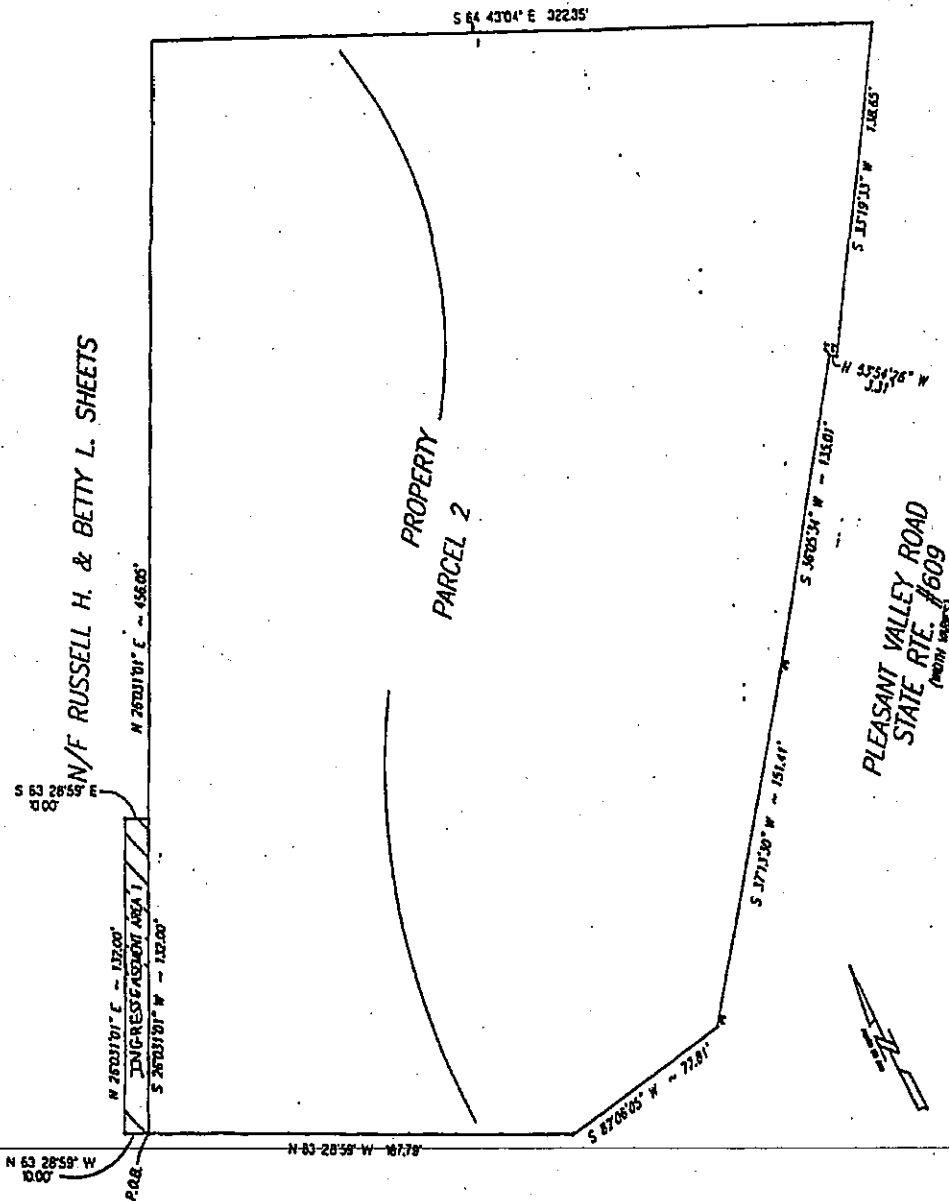
THENCE South 63 degrees 28 minutes 59 seconds East for a distance of 10.00 feet to a point, said point being located on the eastern property line of Parcel 1;

THENCE along the eastern property line of Parcel 1 South 26 degrees 31 minutes 01 seconds West for a distance of 132.00 feet to the point of beginning;

Said easement contains 0.03 acres more or less.

A201

EXHIBIT "C" CONTINUED



N/F RUSSELL H. & BETTY L. SHEETS

PROPERTY
PARCEL 2

PLEASANT VALLEY ROAD
STATE RTE. #609
(NORTH BOUND)

JOHN MOSBY HIGHWAY
STATE RTE. #50
(NORTH BOUND)

EXHIBIT "D"TEMPORARY CONSTRUCTION EASEMENT:

Being a portion of that tract or parcel of land shown as Parcel 1 on a Plat entitled "Boundary Line Adjustment on the Property of Russell H. and Betty L. Sheets"; said Plat prepared by Sumner Consulting and dated January 8, 1999. Said Boundary Line Adjustment Plat being recorded in Deed Book 1663, Page 220, Land Records of Loudoun County, Virginia; being more particularly described as follows:

BEGINNING at a point, said point being the western property line of Parcel 2 of the Sheets property, said property being located in the northwest quadrant of the intersection of John Mosby Highway (U.S. Route 50) and Pleasant Valley Road (VA State Route 609) in Loudoun County, Virginia. Said point also being located north 26 degrees 31 minutes 01 seconds East a distance of 108.00 feet from the southwestern property corner of Parcel 2.

THENCE along the western property line of Parcel 2, North 26 degrees 31 minutes 01 seconds East for a distance of 24.00 feet to a point;

THENCE leaving the western property line of Parcel 2 North 63 degrees 28 minutes 59 seconds west for a distance of 35.00 feet to a point;

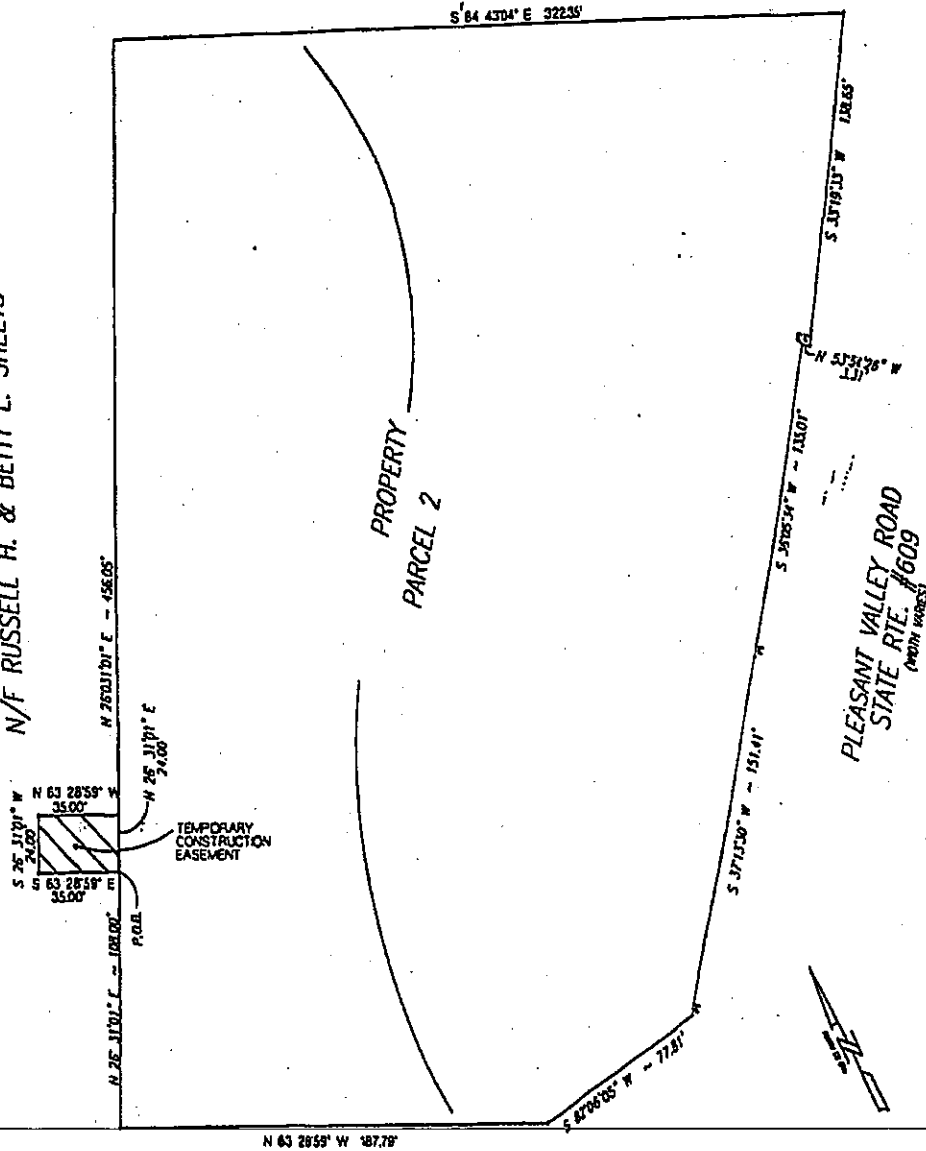
THENCE South 26 degrees 03 minutes 01 seconds West for a distance of 24.00 feet to a point,

THENCE South 63 degrees 28 minutes 59 seconds East for a distance of 35.00 feet to the point of beginning.

Said easement contains 0.02 acres more or less.

EXHIBIT "D" CONTINUED

N/F RUSSELL H. & BETTY L. SHEETS



JOHN MOSBY HIGHWAY
STATE RTE. #50
(WIDTH VARIES)

EXHIBIT "E"INGRESS EASEMENT AREA 2:

Being a portion of that tract or parcel of land shown as Parcel 2 on a Plat entitled "Boundary Line Adjustment on the Property of Russell H. and Betty L. Sheets"; said Plat prepared by Sumner Consulting and dated January 9, 1999. Said Boundary Line Adjustment Plat being recorded in Deed Book 1663, Page 220, Land Records of Loudoun County, Virginia; being more particularly described as follows:

BEGINNING at a point, said point being the southwestern property corner of Parcel 2 of the Sheets property, said property being located in the northwest quadrant of the intersection of John Mosby Highway (U.S. Route 50) and Pleasant Valley Road (VA State Route 609) in Loudoun County, Virginia. Said point also being located on the northern right-of-way of John Mosby Highway

THENCE along the western property line of Parcel 2, North 26 degrees 31 minutes 01 seconds East for a distance of 108.00 feet to a point;

THENCE leaving the western property line of Parcel 2 South 63 degrees 28 minutes 59 seconds East for a distance of 10.00 feet to a point;

THENCE South 26 degrees 31 minutes 01 seconds West for a distance of 108.00 feet to a point, said point being located on the right-of-way of John Mosby Highway;

THENCE along the right-of-way of John Mosby Highway North 63 degrees 27 minutes 24 seconds West for a distance of 10.00 feet to the point of beginning

Said easement contains 0.02 acres more or less.

BK 1670 PG 1406

EXHIBIT "E" CONTINUED

S 64 43'04" E 322.35'

N/F RUSSELL H. & BETTY L. SHEETS

PROPERTY
PARCEL 2

GRANT A. C. BATES

PLEASANT VALLEY ROAD
STATE RTE. #609
(WIDTH VARIES)

S 63 28'59" E 100.00'

N 26°01'01" E ~ 455.05'

N 26°01'01" E ~ 100.00'

S 26°01'01" W ~ 100.00'

P.O.B.

N 63 28'59" W 100.00'

N 63 28'59" W 107.78'

S 87°00'05" W ~ 77.81'

S 37°15'30" W ~ 151.41'

S 30°25'54" W ~ 115.01'

N 53°14'26" W 111.11'

JOHN MOSBY HIGHWAY
STATE RTE. #50
(WIDTH VARIES)

A206

DR 1670 P 61407
1670

EXHIBIT "F"

INGRESS/EGRESS EASEMENT AREA 3:

Being a portion of that tract or parcel of land shown as Parcel 2 on a Plat entitled "Boundary Line Adjustment on the Property of Russell H. and Betty L. Sheets"; said Plat prepared by Sumner Consulting and dated January 8, 1999. Said Boundary Line Adjustment Plat being recorded in Deed Book 1663, Page 220, Land Records of Loudoun County, Virginia; being more particularly described as follows:

Beginning at a point being located on the western property line of Parcel 2 of the Sheets property, said property being located in the northwest quadrant of the intersection of John Mosby Highway (U.S. Route 50) and Pleasant Valley Road (VA State route 609) in Loudoun County, Virginia. Said point also being located North 26 degrees 31 minutes 01 seconds East a distance of 108.00 feet from the southwestern property corner of Parcel 2.

THENCE along the western property line of Parcel 2 North 26 degrees 31 minutes 01 seconds East for a distance of 24.00 feet to a point

THENCE leaving western property line of Parcel 2 South 63 degrees 28 minutes 59 seconds East for a distance of 268.63 feet to a point, said point being located on the western right-of-way of Pleasant Valley Road;

THENCE along the western right-of-way of Pleasant Valley Road South 37 degrees 13 minutes 59 seconds West for a distance of 24.43 feet to a point;

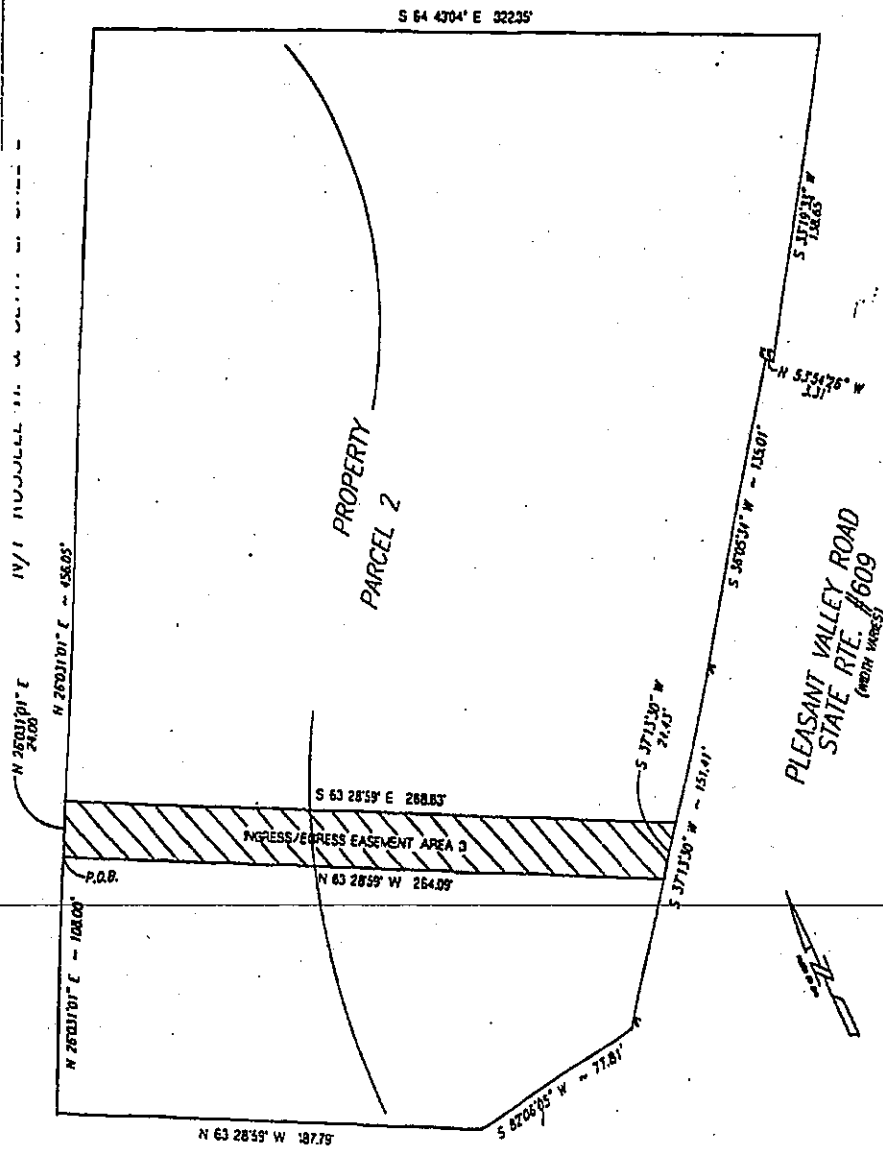
THENCE leaving the western right-of-way of Pleasant Valley Road North 63 degrees 28 minutes 59 seconds West for a distance of 264.09 feet to the point of beginning.

Said easement contains 0.15 acres more or less.

A207

BK 1670PS 11.00

EXHIBIT "F", CONTINUED



A208

EXHIBIT "G"INGRESS EASEMENT AREA 4:

Being a portion of that tract or parcel of land shown as Parcel 2 on a Plat entitled "Boundary Line Adjustment on the Property of Russell H. and Betty L. Sheets"; said Plat prepared by Sumner Consulting and dated January 9, 1999. Said Boundary Line Adjustment Plat being recorded in Deed Book 1663, Page 220, Land Records of Loudoun County, Virginia; being more particularly described as follows:

BEGINNING at a point, said point being the northeastern property corner of Parcel 2 of the Sheets property, said property being located in the northwest quadrant of the intersection of John Mosby Highway (U.S. Route 50) and Pleasant Valley Road (VA State Route 609) in Loudoun County, Virginia. Said point also being located on the western right-of-way of Pleasant Valley Road.

THENCE along the western right-of-way of Pleasant Valley Road, South 33 degrees 19 minutes 33 seconds West for a distance of 60.00 feet to a point;

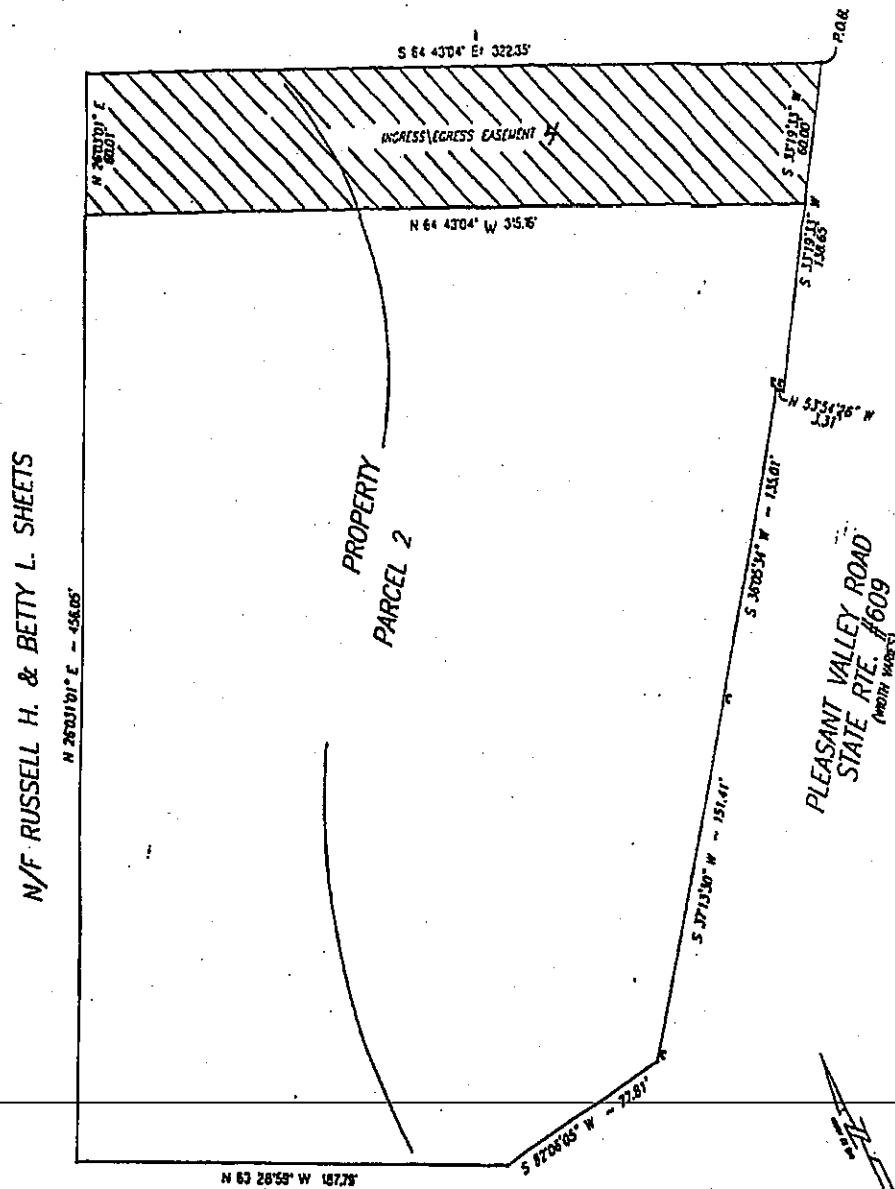
THENCE leaving the right-of-way of Pleasant Valley Road North 64 degrees 43 minutes 04 seconds West for a distance of 315.16 feet to a point, said point being located on the western property line of Parcel 1;

THENCE along the western property line of Parcel 2, North 26 degrees 31 minutes 01 seconds East for a distance of 60.01 feet to an Iron Pin, said pin being the northwestern property corner of Parcel 2;

THENCE along the northern property line of Parcel 2 South 64 degrees 43 minutes 09 seconds East for a distance of 322.35 feet to the point of beginning.

Said easement contains 0.44 acres more or less

EXHIBIT "G" CONTINUED



JOHN MOSBY HIGHWAY
STATE RTE. #50
(MOTH VARIES)

RECORDER/W/CERT ANNEXED
99 APR 20 AM 11:33
LOUDOUN CO. VA
TESTE: Rubane Hill CLERK

A 210